

# I.EGISLATIVE ASSEMBLY OF ONTARIO

# FIRST SESSION THIRTY-FOURTH PARLIAMENT

BILLS AS ENACTED

Reporting Assouthenk

#### **SESSION**

November 3rd, 1987 to January 7th, 1988
February 8th to February 11th, 1988
April 5th to June 29th, 1988
and
October 17th, 1988 to March 2nd, 1989

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## FIRST SESSION THIRTY-FOURTH PARLIAMENT

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**Bill 113** 

37 ELIZABETH II, 1988

# Bill 113

(Chapter 3 Statutes of Ontario, 1989)

## An Act to amend the Retail Business Holidays Act

The Hon. J. Smith Solicitor General

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading June 20th, 1988

3rd Reading February 7th, 1989
Royal Assent February 27th, 1989



Bill 113 1988

#### An Act to amend the Retail Business Holidays Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 1 (1) (a) of the Retail Business Holidays Act, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (a) "holiday" means,
    - (i) New Year's Day,
    - (ii) Good Friday,
    - (iii) Victoria Day,
    - (iv) Canada Day,
    - (v) Labour Day,
    - (vi) Thanksgiving Day,
    - (vii) Christmas Day,
    - (viii) the 26th day of December,
      - (ix) Sunday, and
      - (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;
  - (aa) "municipality" means, except in section 6,
    - (i) a local municipality, other than a local municipality within a metropolitan, regional or district municipality or the County of Oxford,

- (ii) a metropolitan, regional or district municipality and the County of Oxford.
- 2. Subsection 2 (1) of the said Act is repealed and the following substituted therefor:

Prohibition

- (1) No person carrying on a retail business in a retail business establishment shall,
  - (a) sell or offer for sale any goods or services therein by retail; or
  - (b) admit members of the public thereto,

on a holiday.

- 3.—(1) Clause 3 (2) (c) of the said Act is repealed and the following substituted therefor:
  - (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet.
- (2) Subsection 3 (4) of the said Act is repealed and the following substituted therefor:

Transition

- (4) Despite clause (2) (c), until the 365th day following the day this subsection comes into force, the maximum total area that may be used in a pharmacy for serving the public or for selling or displaying to the public may exceed 7,500 square feet.
  - (3) Subsection 3 (8) of the said Act is repealed.
- 4. Section 4 of the said Act is repealed and the following substituted therefor:

Municipal powers

**4.**—(1) Despite sections 2 and 3, the council of a municipality may by by-law permit retail business establishments to be open on any holiday or may require that retail business establishments be closed on any holiday.

Public meeting

- (2) Before passing a by-law under subsection (1), the council of a municipality,
  - (a) shall hold a public meeting in respect of the proposed by-law;
  - (b) shall publish notice of the public meeting in a newspaper having general circulation in the municipality

at least thirty days before the meeting is to be held; and

- shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law.
- (3) The Lieutenant Governor in Council may by regulation, in respect of retail business establishments in territory without without municipal organization, exercise the same powers that a municipal council of a municipality may by by-law exercise under subsection (1).

Regulations,

(4) A by-law or regulation under this section does not apply Limitation so as to prevent the sale or offering for sale of goods and services exempted under subsection 3 (5) or (7) from the operation of section 2.

(5) A by-law or regulation under this section may be Application of by-law or restricted to one or more retail business establishments or to regulation any class or classes of retail business establishment as specified in the by-law or regulation.

(6) A by-law or regulation under this section,

Contents of by-laws and regulations

- (a) may apply to any part or parts of the municipality or territory;
- may limit the opening of retail business establishments on holidays to specific times or to a certain number of hours:
- (c) may permit the opening or require the closing of retail business establishments on certain holidays and not on others:
- (d) may restrict the opening of retail business establishments on holidays to specific periods of the year or require the closing of retail business establishments on holidays during specific periods of the year;
- may classify retail business establishments by size, number of persons employed, character of business, geographic location or any other criteria.
- (7) The council may establish a plan setting out the criteria Establishto be considered by it in determining whether a by-law should of plan be passed under subsection (1).

Plan to be made public (8) If the council adopts a plan, it shall ensure that the plan is made available to the public by publishing it in a newspaper having general circulation in the municipality.

Sunday exception

5.—(1) Despite any other provision of this or any other Act or the by-laws or regulations under this or any other Act, a retail business may be carried on in a retail business establishment on a Sunday if the retail business establishment is always closed to the public throughout another day of the week by reason of the religion of the owner of the retail business.

Definition

- (2) For the purpose of subsection (1), "religion of the owner" means,
  - (a) in the case of a sole proprietorship, the religion of the sole proprietor;
  - (b) in the case of a partnership, the religion named in a written agreement between the partners which is the religion of one of the partners;
  - (c) in the case of a corporation, the religion named in the by-laws of the corporation.

Affiliated corporation

(3) The exception set out in subsection (1) does not apply to a corporation that is the affiliate of another corporation unless all the retail business establishments in Ontario of the corporation and its affiliates close on the same day.

Deemed affiliation

- (4) For the purposes of this section,
  - (a) a corporation shall be deemed to be affiliated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person; and
  - (b) the affiliates of every corporation shall be deemed to be affiliated with all other corporations with which the corporation is affiliated.

Deemed

- (5) For the purposes of this section, a corporation shall be deemed to be controlled by a person if,
  - (a) securities of the corporation to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation are held other than by way of security only by or for the benefit of that person; and

- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.
- (6) For the purposes of this section, a corporation shall be Deemed deemed to be a subsidiary of another corporation if,
  - (a) it is controlled by,
    - (i) that other,
    - (ii) that other and one or more corporations each of which is controlled by that other, or
    - (iii) two or more corporations each of which is controlled by that other; or
  - (b) it is a subsidiary within the meaning of clause (a) of a corporation that is that other's subsidiary.
- 5a. A provision in a lease or other agreement that has the Provisions effect of requiring a retail business to remain open on a holiday is of no effect even if the lease or agreement was made before the coming into force of this section.

requiring holiday openings

#### 5. Section 6 of the said Act is repealed and the following substituted therefor:

6.—(1) Subject to subsection (2), a by-law of a municipal- Invalidity of ity passed under any other Act is invalid to the extent that it requires the closing of a retail business establishment on a holiday.

certain municipal

(2) A by-law of a municipality that was in force under this Transition or any other Act immediately before the coming into force of this subsection and that relates to the opening or closing of a retail business establishment on holidays continues in force until the 1st day of January, 1994 or until repealed, whichever occurs first.

(3) In this section, "municipality" means any municipality Definition and includes a metropolitan, district or regional municipality and the County of Oxford.

#### 6. Section 7 of the said Act is repealed and the following substituted therefor:

7.—(1) Every person who contravenes section 2 or a regu-Penalty lation under section 4 is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Idem, municipal laws

- (2) A by-law under subsection 4 (1) requiring a retail business establishment to be closed on a holiday shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,
  - (a) \$50,000; or
  - (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Idem, coercion or counselling

- (3) Every person who coerces, requires or counsels another person to contravene section 2, a regulation under section 4 or a by-law under subsection 4 (1) is guilty of an offence and on conviction is liable to a fine of not more than the greater of,
  - (a) \$50,000; or
  - (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this subsection occurred.

Gross sales to be considered in determining fines (4) In determining the amount of the fine, the court shall take into consideration any evidence respecting the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Advertisements admissible as evidence

(5) A sign or advertisement giving the hours of a retail business establishment is admissible as evidence that the retail business establishment was open during those hours.

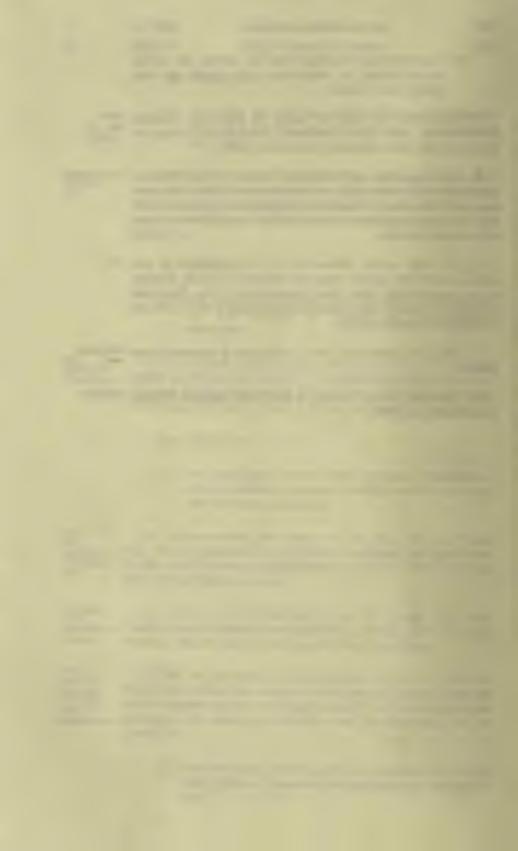
Determination of total area of a retail business establishment

- (6) For the purpose of enforcing this Act or a by-law or regulation under this Act, the total area of a retail business establishment used for serving the public or for selling or displaying to the public on a holiday shall be deemed to be the greater of,
  - (a) the total area actually used on a holiday for serving the public or for selling or displaying to the public; and

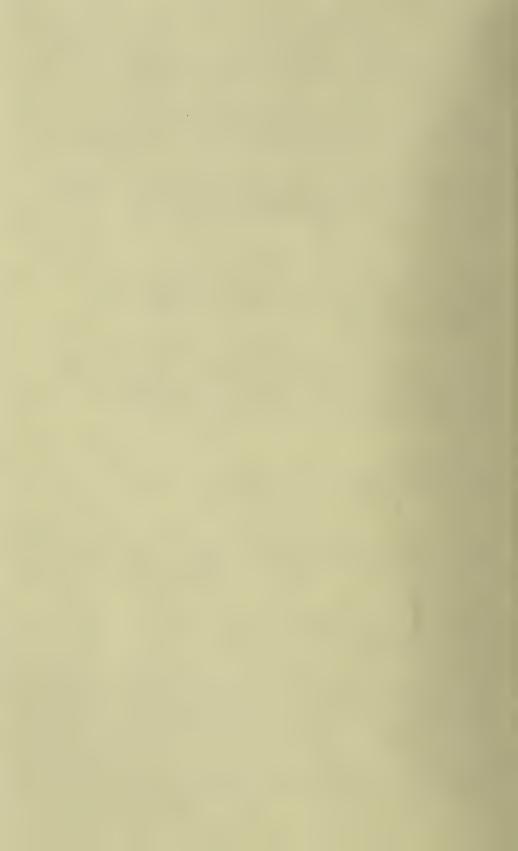
- (b) the total area normally used for serving the public or for selling or displaying to the public on days other than a holiday.
- (7) Subsection (6) does not apply to any retail business When subs. (6) establishment, other than a pharmacy, until the 365th day following the day this subsection comes into force.

8.—(1) Upon the application of counsel for the Attorney Court orders General or of a municipality to the Supreme Court, the court may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act.

- (2) An order under subsection (1) is in addition to any Idem other penalty that may be imposed and may be made whether or not proceedings have been commenced in the Provincial Offences Court for a contravention of section 2 or of a by-law or regulation under this Act.
- 7. This Act comes into force on the day it receives Royal Commence-Assent.
- 8. The short title of this Act is the Retail Business Holidays Short title Amendment Act, 1989.







ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# Bill 114

(Chapter 4 Statutes of Ontario, 1989)

### An Act to amend the Employment Standards Act

The Hon. G. Sorbara

Minister of Labour

CLERK

LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading June 20th, 1988

3rd Reading February 7th, 1989

Royal Assent February 27th, 1989



**Bill 114** 1988

#### An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 1 (1) of the Employment Standards Act, being chapter 137 of the Revised Statutes of Ontario, 1980, is amended by inserting after "Christmas Day" in the third line "and the 26th day of December".
- 2. Part XI-B of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 7, section 1, is amended by adding thereto the following sections:
- 39g.—(1) This section and sections 39h to 39k apply only Application to retail business establishments, as defined in section 1 of the 39g to 39k Retail Business Holidays Act, and to the employees and R.S.O. 1980, employers in such retail business establishments and to persons acting on behalf of such employers.

of sections

(2) In sections 39h and 39k.

Definitions

"employee" means an employee to whom the section applies;

"employer" means an employer to whom the section applies.

Right to **39h.** Except as provided in this Part, an employee may refuse any assignment of Sunday work that the employee considers unreasonable.

- 39i.—(1) No employer or person acting on behalf of an Prohibition employer shall,
  - (a) dismiss or threaten to dismiss an employee;
  - (b) discipline or suspend an employee;
  - (c) impose any penalty on an employee; or
  - (d) intimidate or coerce an employee,

because the employee has refused an assignment of Sunday work that the employee considers unreasonable.

Exception

(2) Subsection (1) does not apply if, following an agreement between the employee and employer reached with the assistance of an employment standards officer under subsection 39j (3), or if, following the decision of a referee under subsection 39k (3), the employee fails to work in accordance with the agreement or decision.

Role of employment standards officer **39j.**—(1) If an employee and an employer dispute that an assignment of Sunday work is unreasonable or if an employee has refused an assignment of Sunday work on the basis that it was unreasonable, either the employee or the employer may apply to the Director for the appointment of an employment standards officer to inquire into and endeavour to effect a settlement of the matter.

Idem

(2) If an employee is of the opinion that the employee's employer or a person acting on the employer's behalf has contravened subsection 39i (1) against the employee, the employee may apply to the Director for the appointment of an employment standards officer to inquire into and endeavour to effect a settlement of the matter.

Idem

(3) Upon receipt of an application under subsection (1) or (2), the Director shall forthwith appoint an employment standards officer who shall forthwith inquire into and endeavour to effect a settlement of the matter.

Hearing by referee

**39k.**—(1) If, following an inquiry under subsection 39j (3), an employment standards officer reports to the Director that a settlement cannot be reached, the Director shall appoint a referee from the panel of referees and the referee shall convene a hearing as soon as is practicable for the purpose of determining the matter.

Determination of unreasonableness

- (2) In a hearing under this section, the referee shall determine whether the disputed Sunday work assignment is or was unreasonable and, without restricting the generality of the foregoing, may take into account,
  - (a) the terms of a collective agreement that specifically address Sunday work, if the employee is a member of the bargaining unit;
  - (b) the existence of a premium pay arrangement for Sunday work by the employee that is not less than one and one-half times the regular rate of pay of the employee;

- (c) the existence of a policy of the employer to rotate staff to avoid inequitable assignment of Sunday work;
- (d) the history of the work relationship including previous requirements respecting Sunday work assignments;
- (e) the fact that the employer has or has not made reasonable efforts to hire additional staff to permit reasonable scheduling of Sunday work;
- (f) the fact that the employee was hired on a part-time basis for the specific purpose of permitting reasonable scheduling of Sunday work by other employees of the employer;
- (g) the existence of an emergency situation.

(3) Following a hearing under this section, a referee,

Powers of referee

- (a) may decide what constitutes reasonable assignment of Sunday work in respect of the employee and employer to whom the hearing relates;
- (b) if the referee decides that subsection 39i (1) has been contravened, may order what action, if any, the employer or other person shall take or what the employer or other person shall refrain from doing in order to constitute compliance with this Part and may make an order to reinstate the employee in employment, with or without compensation, or to compensate the employee in lieu of reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the referee against the employer.
- (4) A referee may refuse to make an order in respect of a Idem contravention of subsection 39i (1) if the referee is of the opinion that the employee's refusal of Sunday work was made in bad faith or if the contravention was the result of a contravention by the employee of a settlement reached between the employee and the employer with the assistance of an employment standards officer under subsection 39j (3) or a decision of a referee under clause (3) (a) of this section.
- (5) An order under clause (3) (b) shall specify that all funds lidem be paid to the Director in trust.

Application of subss. 47 (4-6)

(6) Subsections 47 (4) to (6) apply with necessary modifications to an order under clause (3) (b).

Decisions and orders final (7) The decisions and orders of the referee are final.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the Employment Standards Amendment Act, 1989.





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## **Bill 115**

(Chapter 21 Statutes of Ontario, 1988)

An Act to provide for Construction Work in connection with the Toronto Economic Summit

The Hon. G. Sorbara *Minister of Labour* 

1st Reading April 25th, 1988

2nd Reading April 27th, 1988

3rd Reading April 28th, 1988

Royal Assent April 28th, 1988

LEGISLATIVE ASSEMBLY

#### An Act to provide for Construction Work in connection with the Toronto Economic Summit

Whereas an economic summit meeting, herein called the Preamble Toronto Economic Summit, will be held in Toronto in June of 1988; and whereas it is in the public interest that certain facilities including security facilities required for the Toronto Economic Summit be constructed before its commencement; and whereas provincial agreements in the construction industry expire on the 30th day of April, 1988 and work stoppages may occur as a result thereof:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Terms in this Act that are defined in the Labour Rela- Interpretation tions Act have the same meaning as in the Labour Relations R.S.O. 1980, Act.

**2.**—(1) Despite the Labour Relations Act or any provision of a provincial agreement, each provincial agreement in operation on the 29th day of April, 1988 shall, for the purposes of carrying out construction work on the lands and premises Summit to described in the Schedule and required in connection with the continue Toronto Economic Summit, continue in operation until replaced by a new ratified provincial agreement or until the 30th day of June, 1988, whichever occurs first.

Provincial agreements to continue re: Toronto Economic R.S.O. 1980,

(2) Subsection (1) does not affect any provincial agreement Limitation except in respect of construction work on the lands and premises described in the Schedule and required in connection with the Toronto Economic Summit.

(3) No strike or lock-out shall be called, authorized or take place in respect of construction work on the lands and premises described in the Schedule and required in connection with the Toronto Economic Summit.

No strikes or

Application of R.S.O. 1980, c. 228

**3.** Subject to this Act, the *Labour Relations Act* applies to each provincial agreement continued by subsection 2 (1) and to the parties bound thereby in respect of construction work on the lands and premises described in the Schedule and required in connection with the Toronto Economic Summit.

Commencement and repeal **4.** This Act comes into force on the day it receives Royal Assent and is repealed on the 30th day of June, 1988.

Short title

5. The short title of this Act is the Toronto Economic Summit Construction Act, 1988.

#### **SCHEDULE**

Those lands and premises in the City of Toronto in The Municipality of Metropolitan Toronto described as follows:

- 1. The lands and premises composed of the Simcoe Place Block, originally shown on the plan of the Town of York and which block is denominated by the letter C thereon and now designated as Part 1 on a plan deposited in the Land Registry Office for the Registry Division of Toronto as No. 63R-764.
- 2. The lands and premises composed of Parts 1, 2, 3, 4, 5, 6, 7 and 8 on a plan deposited in the Land Registry Office for the Registry Division of Toronto as Plan 66R-13575.

Projet de loi 116

SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

1<sup>re</sup> SESSION, 34° LÉGISLATURE, ONTARIO 37 ELIZABETH II, 1988

## **Bill** 116

(Chapter 25 Statutes of Ontario, 1988)

An Act respecting the Northern Ontario Heritage Fund

The Hon, R. Fontaine Minister of Northern Development Projet de loi 116

(Chapitre 25 Lois de l'Ontario de 1988)

Loi concernant le Fonds du patrimoine du Nord de l'Ontario

L'honorable R. Fontaine ministre du Développement du Nord

LEGISLATIVE ASSEMBLY

1re lecture

25 avril 1988 25 mai 1988

2e lecture 3e lecture

1er juin 1988

sanction royale

1er juin 1988

1st Reading April 25th, 1988 2nd Reading May 25th, 1988 3rd Reading June 1st, 1988 Royal Assent June 1st, 1988

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1988

### An Act respecting the Northern Ontario Heritage Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions** 

1. In this Act,

"Société"

"Corporation" means the Northern Ontario Heritage Fund Corporation;

"Fonds"

"Fund" means the Northern Ontario Heritage Fund;

"ministre"

"Minister" means the Minister of Northern Development.

Corporation established

**2.** The Northern Ontario Heritage Fund Corporation is hereby established as a body corporate.

Board

**3.**—(1) The affairs of the Corporation shall be administered by a board of directors consisting of not fewer than twelve persons.

Idem

(2) The Minister shall be a director and shall chair the board of directors.

Idem

(3) Every other director shall be appointed by order of the Lieutenant Governor in Council for such term as is stipulated in the order.

Idem

(4) Every director, except for the Minister, shall be ordinarily resident in the Territorial District of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay or Timiskaming.

R.S.O. 1980, c. 95, does not apply **4.** The *Corporations Act* does not apply to the Corporation.

Objects

5. The objects of the Corporation are,

## Projet de loi 116

1988

### Loi concernant le Fonds du patrimoine du Nord de l'Ontario

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

**Définitions** 

«Fonds» Le Fonds du patrimoine du Nord de l'Ontario.

«Fund»

«ministre» Le ministre du Développement du Nord.

«Minister»

«Société» La Société de gestion du Fonds du patrimoine du «Corporation» Nord de l'Ontario.

2 Est créée une personne morale nommée Société de ges- Création de tion du Fonds du patrimoine du Nord de l'Ontario.

la Société

3 (1) Un conseil d'administration composé d'au moins Conseil d'addouze personnes gère les affaires de la Société.

ministration

- (2) Le ministre est administrateur de la Société et préside le Idem conseil d'administration.
- (3) Le lieutenant-gouverneur en conseil, par décret, Idem nomme les autres administrateurs et fixe la durée de leur mandat.

(4) À l'exception du ministre, les administrateurs résident Idem ordinairement dans les districts territoriaux d'Algoma, de Cochrane, de Kenora, de Manitoulin, de Nipissing, de Parry Sound, de Rainy River, de Sudbury, de Thunder Bay ou de Timiskaming.

4 La Loi sur les compagnies et associations ne s'applique pas à la Société.

Non-application du chap. 95 des L.R.O. de 1980

5 Les objets de la Société sont les suivants :

Objets

- (a) to advise and make recommendations to the Lieutenant Governor in Council on any matter relating to the growth and diversification of the economy of Northern Ontario;
- (b) to promote and stimulate economic initiatives in Northern Ontario; and
- (c) to commission studies and enter into contracts in connection with the objects set out in clauses (a) and (b).

Fund

**6.**—(1) The Corporation shall establish and maintain a fund known as the Northern Ontario Heritage Fund.

Idem

(2) The Minister, out of moneys appropriated therefor by the Legislature, may make grants to the Corporation for deposit in the Fund, subject to such conditions as the Lieutenant Governor in Council considers advisable.

Investments

- (3) The Corporation may invest money deposited in the Fund in,
  - (a) securities issued by or guaranteed by Ontario, any other province of Canada, Canada, the United Kingdom or the United States of America;
  - (b) securities issued or guaranteed by the International Bank for Reconstruction and Development payable in Canadian or United States currency;
  - (c) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued, guaranteed or endorsed by any bank named in Schedule A or B to the *Bank Act* (Canada); and

1980-81, c. 40 (Can.)

(d) other investments authorized by the Lieutenant Governor in Council.

Purposes of the Fund 7.—(1) The Corporation may use any money deposited in the Fund to further its objects and, for the purpose of clause 5 (b), may provide financial assistance by way of grant or loan and may guarantee any loan.

Guarantee

(2) Every guarantee under subsection (1) executed by the Corporation and signed by the Treasurer of Ontario is binding on the Province of Ontario.

- conseiller le lieutenant-gouverneur en conseil sur a) toute question relative à la croissance et à la diversification économiques du Nord de l'Ontario, et lui faire des recommandations à cet égard;
- promouvoir et stimuler des initiatives économiques dans le Nord de l'Ontario:
- faire entreprendre des études et conclure des contrats relativement aux objets visés aux alinéas a) et b).
- 6 (1) La Société crée et maintient un fonds nommé Fonds Fonds du patrimoine du Nord de l'Ontario.
- (2) Le ministre peut, sur les sommes affectées à cette fin Idem par la Législature, accorder à la Société des subventions qu'elle verse au Fonds. Le lieutenant-gouverneur en conseil peut assujettir ces subventions aux conditions qu'il juge opportunes.
  - (3) La Société peut placer les sommes versées au Fonds :

**Placements** 

- dans des valeurs mobilières émises ou garanties par a) l'Ontario, une autre province du Canada, le Canada, le Royaume-Uni ou les États-Unis d'Amérique;
- b) dans des valeurs mobilières émises ou garanties par la Banque internationale pour la reconstruction et le développement, qui sont payables en monnaie du Canada ou des États-Unis:
- dans des récépissés, des billets ou des certificats de c) dépôt, des acceptations ou d'autres effets semblables émis, garantis ou visés par une banque désignée à l'annexe A ou B de la Loi sur les banques 1980-1981, (Canada);

chap. 40

Objets du

- d) dans tout autre placement qu'autorise le lieutenantgouverneur en conseil.
- 7 (1) La Société peut affecter les sommes versées au Fonds à la poursuite de ses objets. Pour l'application de l'alinéa 5 b), elle peut accorder de l'aide financière au moyen de subventions et de prêts et peut garantir tout prêt.
- (2) Les garanties prévues au paragraphe (1) lient la pro-Garanties vince de l'Ontario si elles sont passées par la Société et signées par le trésorier de l'Ontario.

Audit

**8.** The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual report

**9.** After the end of each fiscal year, the Corporation shall prepare an annual report on its affairs and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

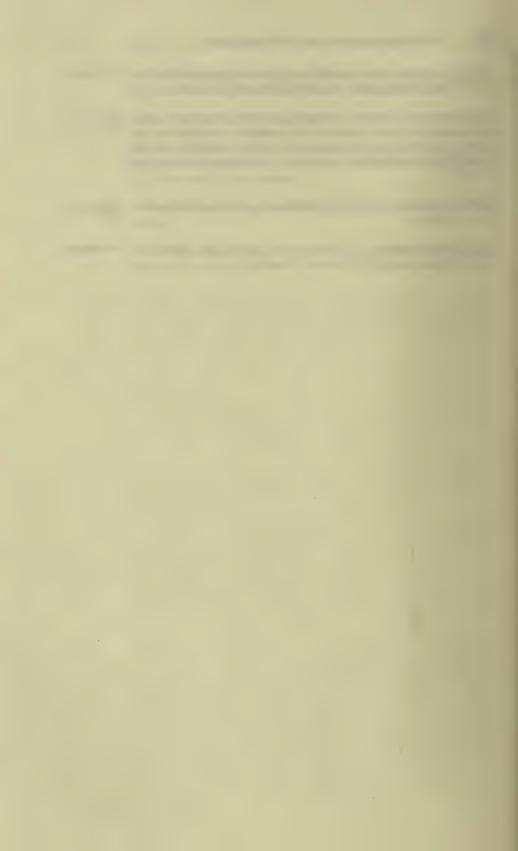
Commencement 10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the Northern Ontario Heritage Fund Act, 1988.

- 8 Les comptes et les opérations financières de la Société Vérification sont vérifiés chaque année par le vérificateur provincial.
- 9 Au terme de chaque exercice, la Société prépare un rap-Rapport port annuel sur ses activités. Le ministre le présente au lieutenant-gouverneur en conseil et le dépose ensuite devant l'Assemblée; si celle-ci ne siège pas, il le dépose à la session suivante.

- 10 La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- 11 Le titre abrégé de la présente loi est Loi de 1988 sur le Titre abrégé Fonds du patrimoine du Nord de l'Ontario.



1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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## Bill 117

(Chapter 26 Statutes of Ontario, 1988)

# An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading May 30th, 1988

3rd Reading June 1st, 1988

Royal Assent June 1st, 1988



### An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

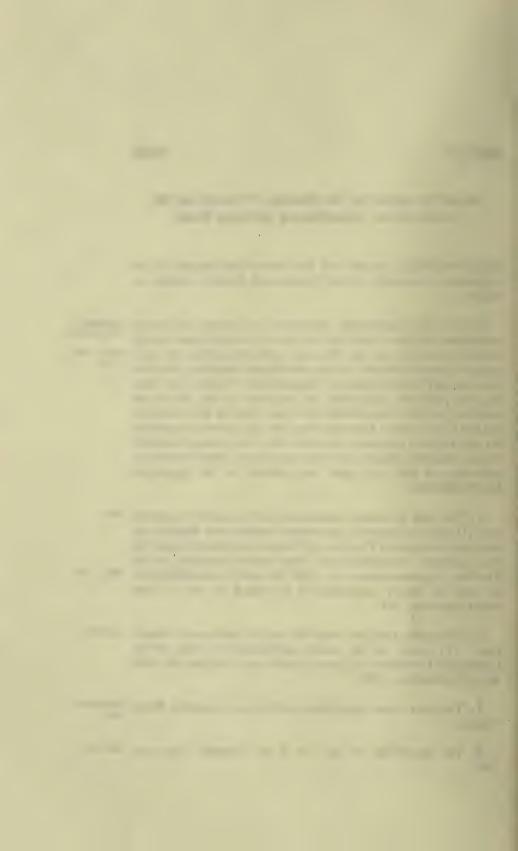
1.—(1) The Lieutenant Governor in Council is hereby Loans up to authorized to raise from time to time by way of loan in any manner provided by the Financial Administration Act such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$2,800,000,000.

\$2,800,000,000 R.S.O. 1980,

(2) The sum of money authorized to be raised by subsec- Idem tion (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the Teachers' Superannuation Act, 1983 but shall be in addition to 1983, c. 84 all sums of money authorized to be raised by way of loan under any other Act.

2. No money shall be raised by way of loan under subsec- Limitation tion 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made on or before the 30th day of September, 1989.

- 3. This Act comes into force on the day it receives Royal Commence-Assent.
- 4. The short title of this Act is the Ontario Loan Act, Short title



1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

## **Bill 118**

(Chapter 34 Statutes of Ontario, 1988)

### An Act to amend the Financial Administration Act

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

CLERK LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading May 30th, 1988

3rd Reading June 8th, 1988

Royal Assent June 8th, 1988

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#### An Act to amend the Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 3 of the Financial Administration Act, being chapter 161 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 37, section 1, is repealed and the following substituted therefor:
- 3.—(1) When the Treasurer considers it advisable for the Securities sound and efficient management of public money, the public contracts debt or any sinking fund, the Treasurer may purchase, acquire, hold or enter into,

- securities issued by or guaranteed as to principal and interest by Ontario, any other province of Canada, Canada, the United Kingdom or the United States of America:
- (b) securities issued or guaranteed by the International Bank for Reconstruction and Development payable in Canadian or United States currency;
- (c) deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, guaranteed or endorsed by a chartered bank to which the Bank Act (Canada) applies;

1980-81. c. 40 (Can.)

- (d) foreign currency exchange agreements;
- (e) interest rate exchange agreements;
- (f) spot and forward foreign currency contracts; and
- (g) other securities, financial contracts, agreements and investments authorized by the Lieutenant Governor in Council.

Terms and conditions

(2) A purchase, acquisition, holding or entering into mentioned in subsection (1) may be subject to such terms and conditions as the Treasurer considers advisable.

Payment out of Consolidated Revenue Fund (3) The moneys required for the purposes of subsection (1), or in respect of the performance of a contract or agreement mentioned in subsection (1), are a charge upon and payable out of the Consolidated Revenue Fund.

Sale or disposal

(4) The Treasurer may sell or dispose of anything mentioned in subsection (1) purchased, acquired, held or entered into by the Treasurer, and the proceeds of the sale or disposition shall be deposited to the credit of the Consolidated Revenue Fund.

Fees, commissions or expenses

(5) Fees, commissions or expenses incurred by the Treasurer in respect of the purchase, acquisition, holding, entering into, performance, sale or disposition of anything mentioned in subsection (1) are a charge upon and payable out of the Consolidated Revenue Fund.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Financial Administration Amendment Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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## **Bill 120**

(Chapter 65 Statutes of Ontario, 1988)

## An Act to amend the Tobacco Tax Act

The Hon. B. Grandmaître

Minister of Revenue

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading December 5th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



#### An Act to amend the Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clauses 2 (1) (a) and (b) of the Tobacco Tax Act, being chapter 502 of the Revised Statutes of Ontario, 1980, as reenacted by the Statutes of Ontario, 1986, chapter 41, section 1, are repealed and the following substituted therefor:
  - (a) 3.83 cents on every cigarette purchased by the consumer:
  - (b) 2.2 cents on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by the consumer; and
- 2. The said Act is amended by adding thereto the following section:
- 3a. The Minister may designate in writing any person to Ministerial collect the tax imposed by this Act, and the person so designated shall be the agent of the Minister and shall collect and remit the tax to the Treasurer at the time or times and in the manner prescribed by the regulations.

designation

- 3. Clause 28 (1) (a) of the said Act is amended by striking out "and designating the persons by whom it is to be collected" in the second and third lines.
- 4. Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 6, is further amended by adding thereto the following clauses:
  - (e) defining any words in the Act that have not already been defined in the Act:

- (f) prescribing words or marks or both that shall be included on the packaging of cigarettes, cigars or other tobacco intended to be sold in Ontario, indicating that the cigarettes, cigars or other tobacco are taxable or exempt from tax under this Act, as the case may be, and prescribing the location on the packaging where such words or marks shall be located;
- (l) governing the acquisition, transportation, storage, possession and sale of marked and unmarked tobacco by dealers.

Commencement 5. This Act shall be deemed to have come into force on the 21st day of April, 1988.

Short title

6. The short title of this Act is the Tobacco Tax Amendment Act, 1988.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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## Bill 121

(Chapter 66 Statutes of Ontario, 1988)

### An Act to amend the Gasoline Tax Act

The Hon. B. Grandmaître *Minister of Revenue* 

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading December 7th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



Bill 121 1988

#### An Act to amend the Gasoline Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of the *Gasoline Tax Act*, being chapter 186 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:
  - (ea) "leaded gasoline" means gasoline that is not unleaded gasoline and includes premium leaded gasoline that conforms to Type 1, or regular leaded gasoline that conforms to Type 2, as described in Gasoline Automotive Standard CAN/CGSB-3.1-M87 of the National Standards of Canada as published by the Canadian General Standards Board or that conforms to such other gasoline automotive standard for premium leaded gasoline or regular leaded gasoline as is published in replacement thereof by the Canadian General Standards Board;
  - (ka) "unleaded gasoline" means premium unleaded gasoline that conforms to Type 1, or regular unleaded gasoline that conforms to Type 2, as described in Gasoline Automotive Standard CAN/CGSB-3.5-M87 of the National Standards of Canada as published by the Canadian General Standards Board or such other gasoline automotive standard for premium unleaded gasoline or regular unleaded gasoline as is published in replacement thereof by the Canadian General Standards Board.
- 2.—(1) Subsection 2 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 24, section 2, is amended by striking out "8.3" in the second line and inserting in lieu thereof "9.3".

(2) Section 2 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 11, section 2 and 1985, chapter 24, section 2, is further amended by adding thereto the following subsection:

Additional tax on leaded gasoline

(2a) In addition to the tax imposed by subsection (1), every purchaser of leaded gasoline shall pay to the Treasurer a tax at the rate of 3 cents per litre on all leaded gasoline purchased by, or delivered to, the purchaser.

Commencement

3. This Act shall be deemed to have come into force on the 21st day of April, 1988.

Short title

4. The short title of this Act is the Gasoline Tax Amendment Act, 1988.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

## Bill 122

(Chapter 15 Statutes of Ontario, 1989)

## An Act to amend the Retail Sales Tax Act

The Hon. B. Grandmaître *Minister of Revenue* 

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 25th, 1988

2nd Reading December 7th, 1988

3rd Reading March 1st, 1989

Royal Assent March 2nd, 1989



Bill 122 1988

#### An Act to amend the Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause (b) of paragraph 4 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - (b) the cost of, or charges for, customs, mailing, handling, delivery or transportation, whether or not such are shown separately in the books of the vendor or on any invoices or in the computation of the sale price, or whether or not title has passed to the purchaser before delivery to such purchaser.
- (2) Paragraph 4 of the said section 1 is amended by adding thereto the following clause:
  - (ba) the tax imposed pursuant to any provision of the *Excise Tax Act* (Canada) in respect of the tangible R.S.C. 1985, personal property or the taxable service or the sale or acquisition of either of them.
- (3) Clause (c) of paragraph 27 of the said section 1 is repealed and the following substituted therefor:
  - (c) owns or operates a place of amusement.
- 2.—(1) Subsection 2 (1) of the said Act is amended by striking out "7" in the fifth line and inserting in lieu thereof "8".
- (2) Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2 and 1986, chapter 66, section 2, is further amended by striking out "7" in the third line and inserting in lieu thereof "8".

- (3) Subsection 2 (6) of the said Act is amended by striking out "of the consideration given in payment" in the twelfth and thirteenth lines and in the seventeenth and eighteenth lines.
- (4) Section 2 of the said Act is amended by adding thereto the following subsection:

Effective

- (6a) For the purposes of subsection (6), tax at the rate of 8 per cent shall be computed, paid and collected on the due date of any payment to be made on or after the 2nd day of May, 1988.
- 3.—(1) Subsection 3 (1) of the said Act is amended by inserting after "service or" in the second line "own or".
- (2) Subsection 3 (6) of the said Act is repealed and the following substituted therefor:

Offence and penalty

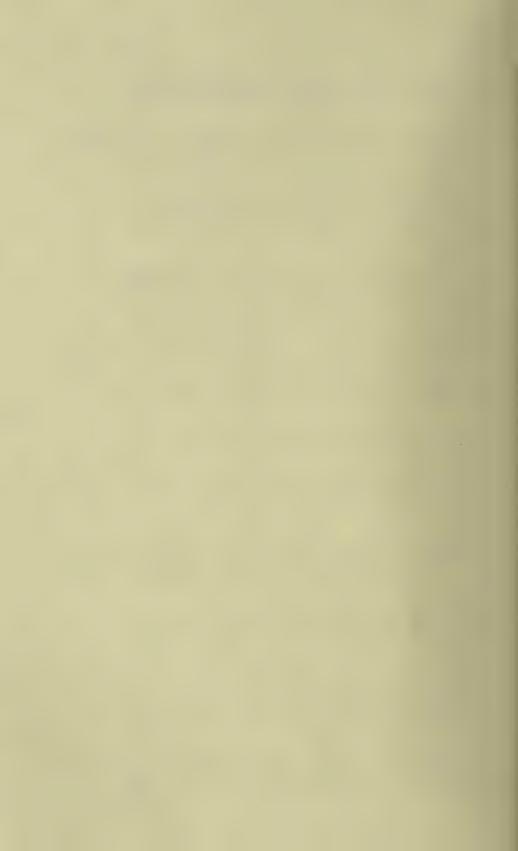
- (6) Every vendor who fails to comply with subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 for each day or part of a day on which the offence occurs or continues.
- 4.—(1) Paragraph 54 of subsection 5 (1) of the said Act is repealed and the following substituted therefor:
  - 54. newspapers, however purchased, but not advertising inserts or supplements to be included in newspapers.
- (2) Paragraph 76 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4 and amended by 1983, chapter 81, section 1, is repealed.
- (3) Paragraph 77 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4 and amended by 1983, chapter 48, section 1 and 1983, chapter 81, section 1, is repealed.
- 5.—(1) Subsection 14 (1) of the said Act is amended by inserting after "resale" in the fourth line "which records clearly identify the persons to whom sales for resale are made".
- (2) Subsection 14 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 66, section 7, is amended by inserting after "vendor who" in the first line "owns or".

- (3) Section 14 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 66, section 7, is further amended by adding thereto the following subsection:
- (4) Where any person whose records fail to clearly identify Deemed the persons to whom sales for resale are made, the sales of tangible personal property disclosed in the records shall be deemed to have been retail sales.

- 6. Subsection 16 (2) of the said Act is amended by inserting after "purchaser" in the sixth line and in the tenth line in each instance "or the penalty imposed by subsection 17 (3)".
- 7. Clause 17 (5) (b) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 8, is further amended by striking out "\$2,000" in the amendment of 1983 and inserting in lieu thereof "\$2,500".
- 8. This Act shall be deemed to have come into force on the Commence-2nd day of May, 1988.
- 9. The short title of this Act is the Retail Sales Tax Amend- Short title ment Act, 1989.







1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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## **Bill 125**

(Chapter 27 Statutes of Ontario, 1988)

# An Act to amend the Education Act and certain other Acts related to Education

The Hon. C. Ward Minister of Education

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 26th, 1988

2nd Reading May 16th, 1988

3rd Reading June 1st, 1988

Royal Assent June 1st, 1988



Bill 125 1988

# An Act to amend the Education Act and certain other Acts related to Education

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Paragraph 37 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - 37. "population" means the population as determined by the latest enumeration taken under subsection 14 (1) of the Assessment Act.

R.S.O. 1980,

- 2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 4, 1984, chapter 60, section 4 and 1986, chapter 64, section 12, is further amended by adding thereto the following subsections:
- (10) The Lieutenant Governor in Council may make regulations lations.
  - (a) prescribing the persons who shall make the determinations that are required to be made under subsections 206a (5) and (7) and the distribution that is required to be made under subsection 206a (11) and an alternative distribution that is required to be made under subsection 206a (17) and the manner in which and the time by which they shall be made;
  - (b) governing the distribution of information that relates to the determinations that are required to be made under subsections 206a (5) and (7) and distributions that are required to be made under subsection 206a (11) and an alternative distribution that is required to be made under subsection 206a (17) and information that relates to appeals and applications with respect to such determinations and distributions;

- (c) governing the nomination procedures for the election of members to boards from areas, including electoral areas established under subsections 277i (3) and (4), that are composed of all or part of two or more municipalities;
- (d) prescribing the duties to be performed by the clerks of the municipalities referred to in clause (c) and by the secretaries of boards in respect of nominations and elections.

Consistency with Municipal Elections Act R.S.O. 1980, c. 308

- (11) A regulation made under clause (10) (c) or (d) shall not be inconsistent with the *Municipal Elections Act* except to the extent necessary to ensure that the nominations and the election referred to in those clauses are carried out in an efficient and orderly manner.
- 3. Subsection 53 (4) of the said Act is amended by striking out "pursuant to subsection 59 (9)" in the fifth line and inserting in lieu thereof "under subsection 206a (11) or (17)".
- 4. Subsection 54 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 15, is further amended by adding thereto the following clause:
  - (f) provide for the continuation of representation when a municipality is detached from one school division and added to another.
- 5.—(1) Subsection 55 (1) of the said Act is amended by striking out "sections 52 to 59" in the third and fourth lines and inserting in lieu thereof "sections 52 to 56, section 136i, and Parts VII-A and XI-A".
- (2) Subsection 55 (4) of the said Act is amended by inserting after "board" in the first line "other than a member of a French-language or English-language section".
- **6.** Subsections 56 (4), (5), (6), (7) and (8) of the said Act are repealed.
  - 7. Sections 57 and 58 of the said Act are repealed.
- **8.** Section 59 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 16 and 1984, chapter 60, section 6, is repealed.
- 9. Section 61 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 17, is repealed.

- 10. Subsection 83 (6) of the said Act is repealed.
- 11. Subsection 88 (3) of the said Act is amended by striking out "section 90 or 100" in the eighth line and inserting in lieu thereof "section 100 or subsection 206a (6)".
- 12. Subsection 90 (1), as amended by the Statutes of Ontario, 1982, chapter 32, section 27, and subsections 90 (2) and (3) of the said Act are repealed.
- 13. Section 91 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 28, is repealed.
  - 14. Section 92 of the said Act is repealed.
- 15.—(1) Subsection 103 (4) of the said Act is amended by striking out "section 90" in the fifth line and inserting in lieu thereof "subsection 206a (6)".
- (2) Subsection 103 (7) of the said Act is amended by striking out "subsection 113 (21)" in the fifth line and inserting in lieu thereof "subsection 206a (11) or (17)".
- **16.**—(1) Subsection 105 (2) of the said Act is amended by adding thereto the following clause:
  - (d) provide for the continuation of representation when a municipality is detached from one combined school zone and added to another.
- (2) Subsection 105 (4) of the said Act is amended by striking out "sections 113 to 115" in the last line and inserting in lieu thereof "sections 115 and 206a".
  - 17. Subsection 106 (2) of the said Act is repealed.
- **18.** Subsections 110 (4), (5), (6), (7) and (8) of the said Act are repealed.
- 19. Subsection 112 (3) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 18, is repealed.
- **20.** Section 113 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 37 and 1984, chapter 60, section 7, is repealed.
- **21.** Subsection 115 (1) of the said Act is amended by inserting after "sections 105 to 118" in the third line "and section 206a".

- 22.—(1) Subsection 116 (1) of the said Act is amended by inserting after "sections 105 to 118" in the third line "and section 206a".
- (2) Subsection 116 (2) of the said Act is amended by striking out "and shall consist of sixteen trustees" in the third and fourth lines.
- (3) Subsections 116 (3), (4), (5) and (6) of the said Act are repealed.
- 23. Subsection 144 (2) of the said Act is amended by inserting after "Part IV" in the sixth line "and Part VII-A".
- 24. The said Act is amended by adding thereto the following Part:

#### PART VII-A

#### TRUSTEE REPRESENTATION

## Public and Separate School Boards

Definitions

#### 206a.—(1) In this Part,

- "board" means a board of education, an urban separate school board, a district combined separate school board or a county combined separate school board;
- "coterminous Roman Catholic separate school board" means a Roman Catholic separate school board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a public board;
- "electoral group" of a board means a category of persons that reside within the area of jurisdiction of the board;
- "public school electoral group" means, with respect to a board, the electoral group that comprises exclusively persons who are public school supporters or public school electors and includes the dependants of the public school supporters and public school electors of the board;
- "public school English-language electoral group" means the part of the public school electoral group that comprises exclusively persons who are not members of the public school French-language electoral group;
- "public school French-language electoral group" means the part of the public school electoral group that comprises

exclusively persons who have the right under subsection 23 (1) or (2), without regard to subsection 23 (3) of the *Charter of Rights and Freedoms* to have their children receive their primary and secondary school instruction in the French language in Ontario and who choose to vote only for the members of the French-language component of the board and includes the dependants of these persons;

"public school supporter" means a ratepayer who is not a separate school supporter;

"separate school electoral group" means, with respect to a board, the electoral group that comprises exclusively persons who are separate school supporters or separate school electors and includes the dependants of the separate school supporters and separate school electors of the board;

"separate school English-language electoral group" means the part of the separate school electoral group that comprises exclusively persons who are not members of the separate school French-language electoral group;

"separate school French-language electoral group" means the part of the separate school electoral group that comprises exclusively persons who have the right under subsection 23 (1) or (2), without regard to subsection 23 (3) of the Charter of Rights and Freedoms, to have their children receive their primary and secondary school instruction in the French-language in Ontario and who choose to vote only for the members of the French-language component of the board and includes the dependants of these persons;

"total English-language electoral group" means,

- (a) for a public board where the coterminous Roman Catholic separate school board is not a Roman Catholic school board, the electoral group comprising the public school English-language electoral group and the separate school English-language electoral group,
- (b) for a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the public school English-language electoral group,
- (c) for a separate school board, the separate school English-language electoral group;

<sup>&</sup>quot;total French-language electoral group" means,

- (a) for a public board where the coterminous Roman Catholic separate school board is not a Roman Catholic school board, the electoral group comprising the public school French-language electoral group and the separate school French-language electoral group,
- (b) for a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the public school French-language electoral group,
- (c) for a separate school board, the separate school French-language electoral group.

Elections

(2) The election of members of a board shall be conducted by the same officers and in the same manner as the election of members of the council of a municipality.

Change of boundaries

- (3) The boundaries of the area of jurisdiction of a board or of a municipality that are to be altered as a result of,
  - (a) a regulation made under subsection 54 (1) or 105 (2);
  - (b) the establishment of a separate school zone under section 107;
  - (c) an order of the Ontario Municipal Board;

1981, c. 70

- (d) an order of the Lieutenant Governor in Council under the *Municipal Boundary Negotiations Act*, 1981; or
- (e) any other Act,

R.S.O. 1980 c. 308 on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of this Part, to have been so altered.

New city

(4) A new city that is to be erected on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of this Part, to have been so erected.

Number of members on a board

(5) Subject to the increased number of members that may result from the application of rules 11, 12 and 13 of subsection (8) and the additional person that may be appointed by the board under section 165 to represent the interests of Indian pupils, the number of members on a board shall be deter-

mined in accordance with subsection (6) by the person prescribed by the regulations.

(6) A determination of the number of members on a board shall be made using the following rules, that shall be applied in order beginning with rule 1:

Rules for determination

- 1. For a public board where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the population of the separate school electoral group shall be deemed to be zero.
- For a separate school board, the population of the public school electoral group shall be deemed to be zero.
- 3. The total population of all electoral groups of the board shall be equal to the sum of the populations of the public school electoral group and the separate school electoral group.
- 4. Subject to rule 6, the total number of members of a divisional board, an urban separate school board, a district combined separate school board or a county combined separate school board shall be the number of members set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

TABLE

TABLE	
Column 1	Column 2
Total population of all	Total
electoral groups of the	number of
board	members
Less than 5,000 persons	8
5,000 or more, up to and	
including 8,999 persons	10
9,000 or more, up to and	
including 14,999 persons	12
15,000 or more, up to and	
including 49,999 persons	14
50,000 or more, up to and	
including 115,999 persons	15
116,000 or more, up to and	
including 182,999 persons	17

8

183,000 or more, up to and	
including 282,999 persons	18
283,000 or more, up to and including 382,999 persons	19
383,000 or more, up to and including 482,999 persons	20
483,000 or more persons	21

**EDUCATION STATUTE LAW** 

Subject to rule 6, the total number of members on a 5. board of education that is not a divisional board shall be the number of members as set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

TABLE

Column 1	Column 2
Total population of all electoral groups of the board	Total number of members
Less than 140,000 persons	8
140,000 or more, up to and including 234,999 persons	10
235,000 or more, up to and including 329,999 persons	13
330,000 or more, up to and including 424,999 persons	16
425,000 or more persons	19

Where a board approves, by a resolution passed by an affirmative vote of three-quarters of the members of the board in the year immediately preceding the year of a regular election under the Municipal Elections Act or before the 10th day of August, 1988, an increase or decrease of either one or two in the number of members of the board, the number of members of the board shall be deemed to be so increased or decreased for the next two subse-

R.S.O. 1980.

6.

Number of members for each electoral group of a board

(7) The number of members to be elected at each regular election under the Municipal Elections Act by the electors for each of the electoral groups of a board shall be determined in accordance with subsection (8) by the person prescribed by the regulations.

quent regular elections.

(8) A determination referred to in subsection (7) shall be Rules for made using the following rules, that shall apply in order starting with rule 1:

- 1. For a public board, where the coterminous Roman Catholic separate school board is a Roman Catholic school board, the population of the separate school electoral group shall be deemed to be zero.
- 2. For a separate school board, the population of the public school electoral group shall be deemed to be zero.
- If the board is not required to establish either a 3. French-language or English-language section under Part XI-A then.
  - i. the population of the public school Frenchlanguage electoral group shall be added to the population of the public school English-language electoral group and this total population shall be deemed to be the population of the public school English-language electoral group for the purposes of the subsequent rules in this subsection.
  - ii. the population of the separate school Frenchlanguage electoral group shall be added to the population of the separate school English-language electoral group and this total population shall be deemed to be the population of the separate school English-language group for the purposes of the subsequent rules in this subsection, and
  - iii. the population of the total French-language electoral group shall be deemed to be zero.
- If the board is required to establish an English-language section under Part XI-A, a reference in rule 5, 6 or 7 to English-language shall be deemed to be a reference to French-language and a reference to French-language shall be deemed to be a reference to English-language.
- 5. The number of members to be elected by the electors of the public school English-language electoral group shall be calculated in accordance with the formula set out in subsection (9).

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- 6. The number of members to be elected by the electors of the total French-language electoral group shall be calculated in accordance with the formula set out in subsection (9).
- 7. The number of members to be elected by the electors of the separate school English-language electoral group shall be calculated in accordance with the formula set out in subsection (9).
- 8. Where the sum of the number of members obtained using rules 5, 6 and 7 is less than the total number of members determined by the rules in subsection (6), the number of members to be elected by the electors of the electoral group whose number of members calculated under subsection (9) differs from the next lower integer by the greatest amount shall be increased by one.
- 9. Where the sum of the number of members obtained using rules 5, 6 and 7 is greater than the total number of members determined by the rules in subsection (6), the number of members to be elected by the electors of the electoral group whose number of members calculated under subsection (9) differs from the next higher integer by the greatest amount shall be decreased by one.
- 10. Where rule 8 or 9 is applied but cannot operate because the numbers of members calculated under subsection (9) for two or more electoral groups differ from the applicable integers by the same amount, the electoral group that shall have its number of members increased or decreased by one member shall be the largest electoral group.
  - 11. Where the number of members calculated under rule 5 is less than three but greater than zero, then the number of members shall be deemed to be three.
  - 12. Where the number of members calculated under rule 6 is less than three but greater than zero, then the number of members shall be deemed to be three.
  - 13. Where the number of members calculated under rule 7 is less than one but greater than zero, then the number of members shall be deemed to be one.

(9) For the purposes of rules 5, 6 and 7 of subsection (8), Calculation of number of the number of members shall be calculated using the following members for formula:

purposes of rules 5, 6

number of members =  $\frac{a \times b}{c}$ 

where a = the total number of members of the board determined by the rules in subsection (6)

- b = the population of the electoral group to which the rule applies
- c = the total population of all electoral groups of the board determined under rule 3 of subsection (6).
- (10) For the purposes of rules 5, 6 and 7 of subsection (8) Idem and rule 2 of subsection (18), the calculation shall be correct to the nearest integer with the fraction one-half being raised to the next higher integer.

of members

- (11) After the determinations required under this section Distribution are made, a distribution of those members that represent the electors of an electoral group of the board shall be made in accordance with subsection (12) by the person prescribed by the regulations to,
  - (a) the municipalities or combination of municipalities that comprise the area of jurisdiction of a board; or
  - (b) the electoral areas established under subsection (21) or combination of such electoral areas in a municipality.
- (12) A distribution shall be made separately for each elec-Rules for toral group for which a distribution is not otherwise provided under section 277i or subsection 277t (1) according to the following rules that shall be applied in order beginning with rule 1:

distribution

1. Calculate the electoral quotient for each municipality and electoral area using the following formula:

electoral quotient 
$$= \frac{a \times b}{c}$$

where a = the population of the electoral group resident in the municipality or electoral area

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- b = the total number of members that represents the electors of the electoral group calculated by the rules in subsection (8)
- c = the total population of the electoral group.
- 2. The number of members that represent the electors of the electoral group for a municipality or electoral area shall be, as nearly as practicable, its electoral quotient.
- 3. Two or more adjoining municipalities or two or more adjoining electoral areas within a municipality may be combined so that the sum of the electoral quotients of the municipalities or electoral areas so combined is as nearly as practicable an integer.
- 4. The number of members that represent the electors of the electoral group for a combination of municipalities or for a combination of electoral areas within a municipality shall be as nearly as practicable, the sum of the electoral quotients of the municipalities or electoral areas so combined.

Designation by board

(13) A board may by a resolution passed by an affirmative vote of three-quarters of the members of the board designate one or more municipalities wholly or partly within the area of jurisdiction of the board as a low population municipality or municipalities.

Resolution by members representing electoral group

- (14) Where a board has made a designation under subsection (13), the members of the board who represent an electoral group may direct, by a resolution passed by an affirmative vote of three-quarters of those members, that,
  - (a) an alternative distribution of members representing that electoral group be made to the municipality or municipalities designated by the board under subsection (13); and
  - (b) the sum of the electoral quotients for the municipality or municipalities be increased by one or by two.

Effect of resolution R.S.O. 1980, c. 308

(15) A resolution passed under subsection (13) or (14) shall be passed in the year of a regular election under the *Municipal Elections Act* and shall be effective only for the purposes of the regular election to be held in that year.

(16) A resolution under subsection (13) or (14) has no Idem effect unless it is made not later than five days after the date on which a distribution under subsection (11) is required to be made.

(17) Pursuant to a resolution passed by the members of an Distribution electoral group of a board under subsection (14), an alternative distribution of those members that represent the electors of an electoral group of the board shall be made in accordance with subsection (18) by the person prescribed by the regulations to.

- (a) the municipalities or combination of municipalities that comprise the area of jurisdiction of a board; or
- (b) the electoral areas established under subsection (21) or combination of such electoral areas in a municipality.
- (18) An alternative distribution for an electoral group shall Rules for be made according to the following rules that shall be applied in order beginning with rule 1:

- Place the municipalities in two groups, one of which 1. shall be comprised of the municipality or municipalities designated under subsection (13) and one of which shall be comprised of the remaining municipalities.
- Calculate the sum of the electoral quotients, deter-2. mined under subsection (12), for each group of municipalities.
- 3. For the group of municipalities that is designated under subsection (13), add to the sum of the electoral quotients the number one or two as determined by resolution of the electoral group passed under subsection (14).
- 4. For the group of the remaining municipalities, subtract from the sum of the electoral quotients one or two, as the case may be.
- 5. Calculate the alternative electoral quotient for each municipality and electoral area using the following formula:

alternative electoral quotient  $= \frac{a \times b}{c}$ 

- where a = the population of the electoral group resident in the municipality or electoral area
  - b = the number calculated by rule 3 or 4, as the case requires
  - c = the total population of the electoral group resident in the group of municipalities to which the municipality or electoral area belongs.
- 6. The number of members that represent the electors of the electoral group for a municipality or electoral area shall be, as nearly as practicable, its alternative electoral quotient.
- 7. Two or more adjoining municipalities that were placed under rule 1 in the same group or two or more adjoining electoral areas within a municipality may be combined so that the sum of the alternative electoral quotients of the municipalities or electoral areas so combined is as nearly as practicable an integer.
- 8. The number of members that represent the electors of the electoral group for a combination of municipalities or for a combination of electoral areas shall be, as nearly as practicable, the sum of the alternative electoral quotients of the municipalities or electoral areas so combined.

Effect of alternative distribution

(19) An alternative distribution of those members that represent the electors of an electoral group that is made under subsection (17) shall, in lieu of the distribution that is required to be made under subsection (11), be the distribution for those members at the next regular election under the *Municipal Elections Act* and for the purposes of sections 206b and 206c shall be deemed to be a distribution made under subsection 206a (11).

R.S.O. 1980, c. 308

Election by general vote (20) The members representing an electoral group for a municipality shall be elected by general vote of the electors eligible to vote in the municipality for those members.

Electoral areas in a municipality

(21) Notwithstanding subsection (20), where the number of members representing an electoral group to be elected under that subsection may be two or more, the council of the municipality may, where so requested by the board, by by-law divide the municipality into two or more electoral areas for

the purposes of an election under the Municipal Elections Act R.S.O. 1980, and a member representing an electoral group for an electoral c. 308 area shall be elected by general vote of the electors eligible to vote in the electoral area for that member.

(22) A by-law referred to in subsection (21) and a by-law Time for repealing any such by-law shall not be passed later than the 1st day of February in the year of a regular election under the Municipal Elections Act and shall take effect for the purpose of the regular election next following the passing of the by-law and remain in force until repealed.

(23) Notwithstanding section 277i, where a municipality is Wards in divided into wards, an electoral area may include one or more areas wards but each ward shall be located entirely within the electoral area.

(24) Where two or more municipalities or electoral areas Election in are combined for the election of one or more members who municipalities represent an electoral group, the member or members shall be elected by a general vote of the electors eligible to vote in the combined municipalities or combined electoral areas, as the case may be, for those members.

combined

### Appeal

206b.—(1) After the determinations are made as required Appeal under subsections 206a (5) and (7) and the distribution is made as required under subsection 206a (11) with respect to a board, the determinations and the distribution or the distribution may be appealed to a judge.

(2) An appeal under this section shall be made by the coun- Idem cil of any municipality concerned or a board on behalf of any territory without municipal organization that is deemed a district municipality.

(3) An appeal on a distribution only may be made only Appeal on where the distribution allots to a municipality or to a combination of municipalities a number of members to be elected by the electors of an electoral group that is different from the electoral quotient of the municipality or the sum of the electoral quotients for the combined municipalities by an amount that is greater than 0.05 times the total number of members to be elected by the electoral group.

distribution

(4) An appeal shall be made within twenty days after the Time for date prescribed by the regulations for a determination to be made.

Time for decision

Bill 125

(5) The judge shall make a decision with respect to an appeal within thirty days after the appeal is commenced.

Decision of judge on appeal

- (6) The judge on an appeal under this section may,
  - (a) vary a determination or distribution that is the subject of the appeal; or
  - (b) confirm that a determination or distribution that is the subject of the appeal was made in accordance with section 206a.

Idem

(7) The decision of a judge on an appeal under this section is final and the appropriate person prescribed by the regulations to make the determination or distribution shall forthwith make such changes as the judge requires.

Where no appeal

(8) Where an appeal is not made or is not made within a time referred to in subsection (4), a board shall be deemed to be properly constituted notwithstanding any defect in a determination or distribution.

## **Applications**

Application for determination or distribution **206c.**—(1) An application may be made to a judge to make,

- (a) the determinations that are required to be made under subsections 206a (5) and (7) and the distribution that is required to be made under subsection 206a (11); or
- (b) the distribution that is required to be made under subsection 206a (11),

where the determinations and the distribution are not made or a distribution is not made.

Idem

(2) An application under this section shall be made by the council of any municipality concerned or a board on behalf of any territory without municipal organization that is deemed a district municipality.

Time for application

(3) An application shall be made within twenty days after the date prescribed by the regulations for a determination to be made.

Time for determination

(4) The judge shall make the determinations and distribution or the distribution, as the case requires, within thirty days after the application is commenced.

(5) A determination or distribution made by a judge under Determisubsection (4) is not subject to appeal and shall be deemed to be a determination or distribution made under section 206a.

nation or distribution

(6) Where,

No determination or distribution

- (a) determinations and distributions are not made;
- (b) a distribution is not made; or
- (c) the judge does not deal with the application within the thirty day time period required.

the determinations and distribution or the distribution, as the case may be, at the last regular election under the Municipal R.S.O. 1980, Elections Act shall be deemed to be the determinations and distribution or the distribution for the purposes of the next regular election.

### 25. The said Act is further amended by adding thereto the following section:

**206d.**—(1) Upon the application of a board authorized by Electoral a resolution thereof, or upon the application of petitioners in accordance with subsection (4), the Ontario Municipal Board may, by order,

- divide or redivide a municipality within the area of jurisdiction of a school board into electoral areas and shall designate the name or number each electoral area shall bear and shall declare the date the division or redivision shall take effect:
- (b) alter or dissolve any or all of the electoral areas created by an order under clause (a) and shall declare the date when such alterations or dissolutions shall take effect; and
- notwithstanding the Municipal Elections Act or sec- R.S.O. 1980, tion 206a or the regulations, make such provisions as are considered necessary for the holding of elections of members to the board by electors in electoral areas created or altered under this subsection.

(2) Notwithstanding clause (1) (a) or (b), the Ontario Limitation Municipal Board may not create an electoral area under those clauses that contains part only of a ward.

(3) While a provision of an order of the Ontario Municipal Election Board authorized by subsection (1) is in effect for the pur-

poses of an election, the members of the board to be elected at the election by electors shall be elected in accordance with the provision of the order and not in accordance with subsection 206a (21).

Petition

(4) A petition of 150 or more persons who are qualified to elect members to the board may be presented to a school board requesting the board to apply to the Ontario Municipal Board to divide or redivide a municipality within the area of jurisdiction of the board into electoral areas or to alter or dissolve any or all of the existing electoral areas created by order of the Ontario Municipal Board, and if the board refuses or neglects to make the application within one month after receipt by the board of the petition, the petitioners or any of them may apply to the Ontario Municipal Board for the division, redivision, alteration or dissolution, as the case may be.

Electoral area

- (5) An electoral area established by the Ontario Municipal Board under this section shall be deemed to be an electoral area referred to in subsection 206a (21).
- 26. Section 277f of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.
- 27.—(1) Subsection 277i (8) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out "other members" in the sixth line and inserting in lieu thereof "members of the French-language section".
- (2) Subsection 277i (11) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.
- 28.—(1) Subsection 277q (2) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.
- (2) Subsection 277q (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out "subsections (1) and (2)" in the second line and inserting in lieu thereof "subsection (1)".
- (3) Subsection 277q (5) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out "subsections (1) and (2)" in the second line and inserting in lieu thereof "subsection (1)".
- (4) Clause 277q (6) (a) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended

by striking out "subsections (1) and (2)" in the second and third lines and inserting in lieu thereof "subsection (1)".

- (5) Clause 277q (6) (b) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.
- (6) Clause 277q (6) (d) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted therefor:
  - (d) shall ensure that public notice is given that the board qualifies under this Part to have a Frenchlanguage section.
- (7) Subsection 277q (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is amended by striking out "subsections (1) and (2)" in the second line and inserting in lieu thereof "subsection (1)".
- (8) Clause 277q (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed.
- (9) Clause 277q (9) (d) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 11, is repealed and the following substituted therefor:
  - (d) shall ensure that public notice is given that the board qualifies under this Part to have a Frenchlanguage section,
- 29.—(1) Subsection 118 (2) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 10, is repealed.
  - (2) Subsection 118 (3) of the said Act is repealed.
- (3) Subsection 118 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 2, is repealed.
- (4) Subsections 120b (3), (5), (6), (7), (11) and (12) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 29, section 13, are repealed and the following substituted therefor:
  - (3) The Council is a body corporate.

(5) Subsection 121 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, 1986, chapter 21, section 6 and 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Members of School Board (2) On and after the 1st day of December, 1988, the School Board shall be composed of the chairman of, and other members appointed by, each board of education in Metropolitan Toronto in accordance with subsection (2a).

Numbers of members

(2a) The total number of members, including the chairman, representing each board of education shall be the number of members set out in column 2 of the following table opposite the total population of all electoral groups of the board set out in column 1 of the following table:

**TABLE** 

Column 1	Column 2
Total population of all electoral groups of the board of education	Total number of members
Less than 112,500 persons	1
112,500 or more, up to and including 187,499 persons	2
187,500 or more, up to and including 262,499 persons	3
262,500 or more, up to and including 337,499 persons	4
337,500 or more, up to and including 412,499 persons	5
412,500 or more persons	6

(6) Subsection 121 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 29, section 13, is repealed and the following substituted therefor:

Alternate

- (3) A board of education, for which only one member is also a member of the School Board, may appoint one of its members as an alternate member of the School Board and the alternate member may attend the meetings of the School Board and of its committees, but shall not vote in meetings of the School Board or of its committees except in the absence of the chairman of the board of education to which the alternate member belongs.
  - (7) Subsection 121 (6) of the said Act is repealed.

- (8) Subsection 122 (3) of the said Act is repealed and the following substituted therefor:
- (3) A person who is entitled to be a member of the School Certificate of Board under subsection 121 (2) or an alternate member of the School Board under subsection 121 (3) shall not take a seat on the School Board until the person has filed at the first meeting of the School Board a certificate under the hand of the secretary of the board of education and under the seal of such board certifying that the person is entitled to be a member or an alternate member, as the case may be.

qualification

- (9) Subsection 122 (5) of the said Act is amended by striking out "at least nine" in the second line and inserting in lieu thereof "a majority of the".
- (10) Subsection 124 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 4, is repealed and the following substituted therefor:
- (1) The number of members of the School Board necessary Quorum to form a quorum is the majority of the number of members of which the School Board is composed under subsection 121 (2) and the concurring votes of a majority of the members of the School Board present who are entitled to vote on any matter are necessary to carry the matter.

- (11) Subsection 124 (3) of the said Act is repealed.
- (12) Subsections 125 (4) and (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 9, section 5, are repealed.
- (13) Subsections 126 (2), (3) and (4) of the said Act are repealed and the following substituted therefor:
- (2) If a vacancy occurs in the office of an appointed mem-Other ber, the board of education of which the person was a member shall, within fifteen days after the vacancy occurs, appoint a successor from among its members to hold office for the remainder of the term of the person.

members

(3) The chairman of the School Board may resign the office Resignation as chairman without resigning from the board of education to which the chairman belongs.

of chairman

30. Section 151 of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is repealed.

- 31. Section 145 of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed.
- 32. Section 158 of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed.
- 33.—(1) Subsection 153 (2) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "composed of seventeen members" in the third line.
  - (2) Subsection 153 (3) of the said Act is repealed.
- (3) Subsections 153 (3a), (3b), (3c) and (3d) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 49, section 21, are repealed.
  - (4) Subsections 153 (4) and (5) of the said Act are repealed.
  - (5) Subsection 154 (4) of the said Act is repealed.
- (6) Section 155 of the said Act is amended by inserting after "Part III" in the first line "and Part VII-A".
- 34. Section 140 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed.
- 35. Section 123 of the Regional Municipality of Sudbury Act, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed.
- **36.** Section 173 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed.
- 37. Section 137 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is repealed.
- **38.**—(1) Subsection 2 (3) of *The Metropolitan Separate School Board Act*, 1953, being chapter 119, is repealed and the following substituted therefor:

Composition of board R.S.O. 1980,

c. 129

(3) The Metropolitan Board shall consist of such number of members as is determined in accordance with Part VII-A of the *Education Act*.

- (2) Section 4 of the said Act is repealed and the following substituted therefor:
- 4. Notwithstanding the Municipal Elections Act, the oath Oath to be taken by a voter shall be as set out in Schedule B.

R.S.O. 1980. c. 308

- (3) Clauses 13 (b), (c) and (d) of the said Act are repealed.
- (4) Section 17 of the said Act is repealed and the following substituted therefor:
- 17. Except as otherwise provided in this Act, the Metro-Metropolitan politan Board shall be an urban separate school board within the meaning of the Education Act and with respect to the dis-separate trict shall enjoy all the rights, powers and privileges of and be subject to all the obligations imposed upon an urban separate c. 129 school board by that Act.

Board to be urban school board R.S.O. 1980,

- (5) Schedule A to the said Act is repealed.
- **39.** Section 3 of The City of Sault Ste. Marie Act, 1977, being chapter 103, is repealed.
- 40. Clause 32 (d) of The City of Timmins-Porcupine Act, 1972, being chapter 117, is repealed.
- 41.—(1) Notwithstanding that sections 1 to 40 do not come Transition into force until the 1st day of December, 1988, the regular elections to be held in 1988 under the Municipal Elections Act shall R.S.O. 1980, be conducted and the determinations and distributions in respect of those elections, including appeals and applications with respect thereto, shall be made as if sections 1 to 40, except section 25, of this Act were in force.

(2) Notwithstanding that sections 1 to 40 do not come into Idem force until the 1st day of December, 1988, where members of a board were elected in a municipality to represent areas established or continued under subsection 59 (23) or 113 (19) of the Education Act or under clause 32 (d) of The City of Timmins- R.S.O. 1980, Porcupine Act, 1972 or to represent zones established by the Municipal Board under subsection 153 (3a) of the Regional Municipality of Ottawa-Carleton Act or to represent wards at cc. 439, 308 the regular election held under the Municipal Elections Act in 1985, those areas, zones or wards or those areas, zones or wards as altered prior to the 2nd day of February, 1988, shall, unless dissolved, be deemed to be electoral areas established prior to that date under subsection 206a (21) of the Education Act, as enacted by section 24 of this Act, as if that subsection were in force.

1972, c. 117 R.S.O. 1980, Idem

R.S.O. 1980, c. 314 (3) Notwithstanding subsection (2), for purposes of the election of members of the Metropolitan Separate School Board or of a board of education in Metropolitan Toronto, the local wards established by the Lieutenant Governor in Council for the regular elections to be held in 1988 in an area municipality within the meaning of the *Municipality of Metropolitan Toronto Act* shall be deemed to be electoral areas established, prior to the 2nd day of February, 1988, by the council of the area municipality at the request of the Metropolitan Separate School Board or of the board of education, as the case may be, under subsection 206a (21) of the *Education Act*, as enacted by section 24 of this Act, as if that subsection were in force.

Idem

(4) The Minister may by order increase or decrease the total number of members to be elected to the Metropolitan Toronto French-language School Council by one or two members for the purposes of the regular elections to be held in 1988 under the Municipal Elections Act.

Idem

(5) Notwithstanding subsection (2), where a municipality within the area of jurisdiction of a board was divided into wards on the 1st day of February, 1988, the board may, by resolution made on or before the 10th day of August, 1988, establish the wards as electoral areas for the purposes of the election of members of the board in the regular elections to be held in 1988 under the *Municipal Elections Act*.

R.S.O. 1980, c. 308

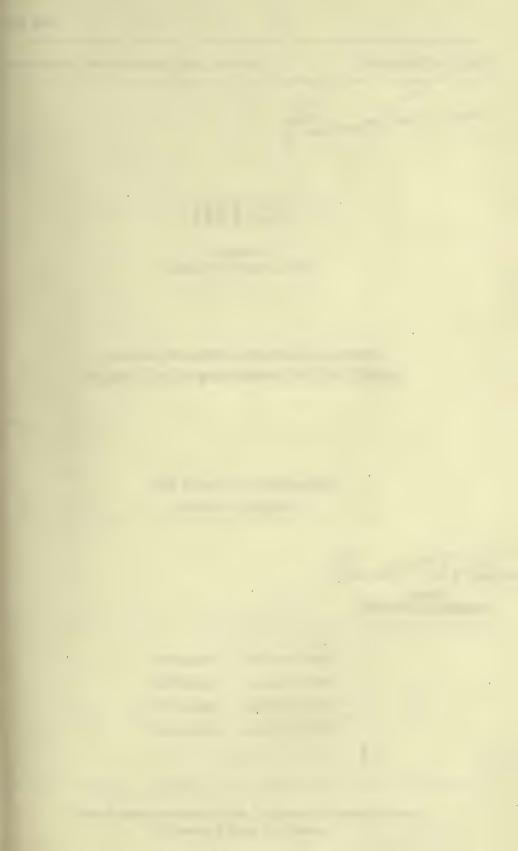
- Commencement
- 42.—(1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 40 come into force on the 1st day of December, 1988.

Short title

43. The short title of this Act is the Education Statute Law Amendment Act, 1988.





37 ELIZABETH II, 1988

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## **Bill 126**

(Chapter 35 Statutes of Ontario, 1988)

# An Act to assist Ontario Residents to save for the purchase of a First Home

The Hon. B. Grandmaître *Minister of Revenue* 

and I. L. Kozer

LEGISLATIVE ASSEMBLY

1st Reading May 2nd, 1988
2nd Reading June 2nd, 1988
3rd Reading June 8th, 1988
Royal Assent June 8th, 1988

**Bill 126** 

1988

# An Act to assist Ontario Residents to save for the purchase of a First Home

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1.—(1) In this Act,

Definitions

"assets of the plan", in respect of a home ownership savings plan, means all contributions made into the plan, any transfers made into the plan under section 7 and all income earned therefrom and on assets substituted therefor, whether or not the assets of the plan are in the form of qualified investments;

"contribution" means an amount of money paid by an individual to a depositary as a payment into a home ownership savings plan;

"depositary" means a branch or office in Ontario of,

(a) the Province of Ontario Savings Office, or

- (b) a financial institution that is a member of the Canada Deposit Insurance Corporation or of the Ontario Share and Deposit Insurance Corporation;
- "home ownership savings plan" means an arrangement entered into by an individual and a depositary under which payment is made by the individual to the depositary of an amount of money as a payment under the arrangement to be used, invested or otherwise applied by the depositary for the purpose of providing to the individual as the planholder under the arrangement an amount of money to be used by the individual for the purchase by him or her of a qualifying eligible home;

R.S.C. 1952, to in subdivision k of Division B of Part I of the *Income Tax Act* (Canada) or a corporation;

- "Minister" means the Minister of Revenue;
- "Ontario home ownership savings plan" means a home ownership savings plan that complies with section 2;
- "planholder", in respect of a home ownership savings plan, means an individual eighteen or more years of age to whom, under the plan, a single payment is agreed to be paid, but does not include an individual to whom under a plan a single payment is agreed to be paid as a consequence of the death of another individual;
- "prescribed" means prescribed by the regulations;
- "qualified investment" means an investment that is a qualified investment for the purposes of section 4;
- "qualifying contribution" has the meaning given to that expression by section 3;
- "qualifying eligible home" has the meaning given to that expression by subsection 5 (4);
- "regulations" means the regulations made under this Act;
- "solicitor" means a member of the Law Society of Upper Canada who is entitled to practise law in Ontario as a barrister and solicitor and who maintains all insurance coverage that may be required by the Law Society of Upper Canada from time to time in connection with and for the purposes of carrying on the private practice of law in Ontario;

- "spouse" means an individual to whom an individual is married:
- "tax credit" means an Ontario home ownership savings plan tax credit allowed to an individual or the individual's spouse or former spouse under the Income Tax Act with R.S.O. 1980, respect to the amount of qualifying contributions made by the individual to an Ontario home ownership savings plan;

- "tax credit recovery" means the amount determined under subsection 9 (1);
- "taxation year" has the meaning given to that expression by the Income Tax Act:
- "Treasurer" means the Treasurer of Ontario.
  - (2) For the purposes of this Act, an eligible home is,

Eligible

- (a) a detached house:
- (b) a semi-detached house;
- (c) a townhouse;
- (d) a share or shares of the capital stock of a co-operative corporation if the share or shares are acquired for the purpose of acquiring the right to inhabit a housing unit owned by the corporation;
- a mobile home that complies with the prescribed (e) standards and is suitable for year round permanent residential occupation;
- (f) a condominium unit:
- (g) a residential dwelling that is a duplex, triplex or a fourplex; or
- (h) any other residential property as may be prescribed.
- (3) For the purposes of this Act, an individual shall not be Ownership of eligible home considered to own an eligible home unless,
  - (a) in the case of an eligible home referred to in clause (2) (a), (b), (c) or (g), the individual has an ownership interest in the eligible home and,

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- (i) owns a freehold estate in the land subjacent to the eligible home other than as a mortgagee, or
- (ii) is a lessee of the land subjacent to the eligible home;
- (b) in the case of an eligible home that is a condominium unit, the individual is an owner of the unit and common elements within the meaning of the Condominium Act;

R.S.O. 1980, c. 84

- (c) in the case of an eligible home in the form of a share or shares of the capital stock of a co-operative corporation,
  - (i) the individual has acquired, jointly with another person or otherwise, the share or shares to enable the individual to acquire a right to occupy a housing unit owned by the co-operative corporation,
  - (ii) the individual and the co-operative corporation have entered into an enforceable occupancy agreement in respect of the housing unit, and
  - (iii) the individual is entitled to vacant possession of the housing unit under the terms of the occupancy agreement;
- (d) in the case of an eligible home that is a mobile home suitable for year-round permanent residential occupation,
  - (i) the individual, either alone or jointly with another person, has completed the purchase of the mobile home,
  - (ii) the mobile home is situated on a foundation, which meets the prescribed standards, on the land where it is to be inhabited, and
  - (iii) the land is owned by the individual, jointly with another person or otherwise, or is occupied by the individual under a licence or lease that permits the individual to locate the mobile home on the land and to occupy it as a year-round residence; and

- (e) in the case of an eligible home of a prescribed class or nature, or owned by a member of a prescribed class of persons, the prescribed terms and conditions are met.
- 2. For the purposes of this Act and the *Income Tax Act*, a home ownership savings plan entered into by a planholder and home a depositary after the 31st day of August, 1988, and before ownership the 1st day of January, 1994, that complies with the following R.S.O. 1980, terms and conditions is an Ontario home ownership savings c. 213 plan:

Terms of

- 1. The terms of the plan do not permit any payment to the planholder of any asset of the plan except by way of,
  - i. a single payment of all of the assets of the plan to a solicitor designated by the planholder to hold the assets of the plan as trust property in trust for the planholder and the Crown jointly and to legally represent the planholder in the purchase by the planholder of a qualifying eligible home, or
  - ii. a single payment of all the assets of the plan, less the amount to be withheld by the depositary under section 9 or the amount, if any, directed by the Minister under subsection 5 (5), to the planholder or to the legal personal representative of the planholder upon the death of the planholder.
- 2. The terms of the plan require the depositary to withhold and remit to the Minister the percentage of the total value of the assets of the plan required under section 9 on any payment of assets of the plan to the planholder or to the legal personal representative of the planholder upon the death of the planholder.
- The terms of the plan provide that the depositary 3. will accept repayment of assets into the plan from a solicitor to whom assets of the plan were paid.
- 4. The terms of the plan provide that the payment to the planholder is not capable in whole or in part of surrender, assignment or transfer except as permitted by an election under section 7.

- 5. The planholder is at least eighteen years of age and a resident of Ontario at the time of entering into the plan.
- 6. The planholder has been assigned a Social Insurance Number referred to in section 237 of the *Income Tax Act* (Canada) and has provided that number and the Social Insurance Number of the planholder's spouse, if the planholder is married, to the depositary at the time of entering into the plan.

R.S.C. 1952, c. 148

- 7. The planholder is not and has never previously been a planholder under any other Ontario home ownership savings plan.
- 8. The planholder has never owned an eligible home anywhere in the world.
- 9. No spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned an eligible home anywhere in the world.
- 10. The terms of the plan prohibit any amendment to the terms of the plan other than the addition or deletion of the right of the planholder to make an election described in subsection 7 (1).
- 11. The terms of the plan provide that on the death of the planholder, the depositary shall transfer or distribute all assets of the plan, less any amount required by section 9 to be withheld and remitted to the Minister, in accordance with this Act.
- 12. The terms of the plan prohibit the holding of the assets of the plan in any form other than qualified investments.
- 13. The plan includes a provision denying the depositary any right of set-off as regards the assets of the plan in connection with any debt or obligation to the depositary that the planholder under the plan owes or may thereafter owe.
- 14. The terms of the plan provide that no loan or advance may be made to the planholder or to any person with whom the planholder does not deal at arm's length, within the meaning of section 251 of

the Income Tax Act (Canada), if a condition of such R.S.C. 1952, loan or advance is the existence of the plan.

The terms of the plan include the acknowledgment by the planholder that he or she understands that the amount of a tax credit, if any, available under the Income Tax Act with respect to contributions R.S.O. 1980, made to the plan in any year depend on the planholder's level of income for that year and that the provisions of this Act apply notwithstanding that the planholder may not be entitled to a tax credit in any year.

- 16. The terms of the plan provide that any receipt,
  - i. for a contribution to the plan, issued by the depositary after the date on which the planholder has received, or has been deemed by this Act to have received, any assets of the plan or the use or benefit of any assets of the plan, other than in accordance with section 5,
  - ii. for a contribution made to the plan after the 31st day of December of the fourth calendar year ending after the end of the calendar year in which the plan was entered into by the depositary and the planholder.

shall be in a form substantially different from the form of receipt required to be filed with the Minister by a planholder claiming a tax credit under the Income Tax Act with respect to contributions made R.S.O. 1980, to an Ontario home ownership savings plan.

- 17. The terms of the plan contain the consent of the planholder to the release to the Minister of all information obtained by the depositary with respect to the plan, the planholder and the planholder's spouse, if any, for the purposes of this Act and the operation of the plan.
- 18. The terms of the plan comply with any additional prescribed conditions or requirements.
- 3.—(1) The total amount of a planholder's qualifying con-Maximum tributions to an Ontario home ownership savings plan for a qualifying calendar year for the purposes of this Act and the Income Tax contributions Act shall not exceed the lesser of.

R.S.O. 1980,

- (a) the total amount of qualifying contributions made by the planholder to the planholder's Ontario home ownership savings plan during the calendar year; and
- (b) \$2,000.

Time limit for qualifying contributions

- (2) No contribution to an Ontario home ownership savings plan shall be a qualifying contribution unless it is made on or before the earlier of,
  - (a) the 31st day of December, 1997; and
  - (b) the 31st day of December of the fourth calendar year ending after the end of the calendar year in which the plan was entered into by the depositary and the planholder.

R.S.O. 1980,

- (3) No contribution to an Ontario home ownership savings plan shall be a qualifying contribution for the purposes of this Act and the *Income Tax Act* where,
  - (a) the planholder has received or has been deemed by this Act to have received, other than by reason of death, any assets of the plan or the benefit or use of any assets of the plan during the year in which the contribution is made, otherwise than for the purpose of purchasing a qualifying eligible home described in subsection 5 (4);
  - (b) the contribution has been made at a time when the planholder or a spouse of the planholder with whom the planholder resides, or from whom the planholder is separated for reasons other than marriage breakdown,
    - (i) is the owner of an eligible home, or
    - (ii) is a partner in a partnership that owns property that would be an eligible home of the partner if the property was owned by the partner;
  - (c) the planholder or a spouse of the planholder with whom the planholder resides at the end of the calendar year in which the contribution is made, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned at any time an interest in an eligible

home, other than an interest in the qualifying eligible home referred to in clause (a); or

- (d) the planholder does not reside in Ontario at the end of the taxation year in which the contribution is made.
- 4.—(1) A depositary of an Ontario home ownership sav- Duty to hold ings plan shall hold all assets of the plan only in qualified investments investments.

in qualified

(2) For the purposes of this Act, a qualified investment is,

**Oualified** investments defined

- (a) money that is legal tender in Canada;
- (b) a deposit that is,
  - (i) with a branch of the Province of Ontario Savings Office or insured by the Canadian Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation, and
  - (ii) repayable on demand or, where the deposit has a fixed maturity date, is redeemable at the option of the planholder prior to maturity; or
- any other type of investment prescribed by the (c) regulations.
- 5.—(1) Where a planholder has entered into a written Purchase of agreement to purchase an eligible home that will be a qualifying eligible home described in subsection (4) and requests release from the planholder's Ontario home ownership savings plan of assets of the plan to be applied towards the purchase price of the eligible home, the following rules apply:

qualifying eligible home

- 1. The planholder shall designate a solicitor for the purposes of this Act in the prescribed manner.
- 2. The planholder shall make application to the depositary of the Ontario home ownership savings plan in the prescribed manner and in the prescribed form for release of the assets of the plan.
- The depositary shall release, not earlier than thirty 3. days before the date set out in the agreement of purchase and sale as the date of closing of the purchase of the eligible home, the assets of the plan as trust property to the solicitor designated by the

planholder and shall file with the Minister at the prescribed time a return in the prescribed form notifying the Minister of the particulars of the release.

4. The solicitor designated by the planholder shall hold the assets of the plan released by the depositary separate and apart from the solicitor's own money, assets and estate, in trust for the benefit of the planholder and Her Majesty in right of Ontario, jointly, and shall deal with the trust property only as provided in paragraph 5 or 6, as applicable.

#### 5. In the event that,

- i. the agreement of purchase and sale of the eligible home is not completed within the prescribed time after release by the depositary of the assets of the plan to the solicitor in trust,
- ii. the solicitor declines to accept receipt of the assets of the plan in trust, or declines to assume or fulfil the duties required of the solicitor under this Act, or
- iii. the solicitor declines to or ceases to represent the planholder in the purchase by the planholder of the eligible home,

the solicitor shall forthwith remit the entire assets of the plan to the depositary in the prescribed manner.

- 6. Where the agreement of purchase and sale of the eligible home is completed within the prescribed time, the solicitor may release the assets of the plan to the vendor under the agreement of purchase and sale or to the planholder as part or all of the consideration payable by the planholder for the purchase of the eligible home.
- 7. Upon completion of the purchase of the eligible home by the planholder and the disbursement by the solicitor of the assets of the plan, the solicitor shall file with the Minister proof acceptable to the Minister of the completion of the purchase of the eligible home and the fulfilment by the solicitor of his or her duties under this Act.

(2) For the purposes of paragraph 1 of section 2, no payment shall be deemed to have been made by a depositary of an Ontario home ownership savings plan to a solicitor where

the solicitor has remitted the assets of the plan received from the depositary to the depositary under paragraph 5 of subsection (1).

(3) The interest of Her Majesty in right of Ontario in the Release of assets of the plan shall be deemed to be released only where interest the solicitor has paid over the assets of the plan in accordance with paragraph 6 of subsection (1) on the purchase by the planholder of an eligible home that will be a qualifying eligible home.

- (4) For the purposes of this Act, an eligible home is a qual-Qualifying ifying eligible home only where,
  - eligible home defined
  - (a) the eligible home is located in Ontario and is suitable for use as a year-round dwelling place, or, in the case of an eligible home that is in the form of a share or shares in the capital stock of a co-operative corporation, the housing unit is located in Ontario and is suitable for use as a year-round dwelling place;
  - (b) the eligible home is the first eligible home anywhere owned, jointly with another person or otherwise, by the planholder; and
  - the eligible home is acquired as the principal residence of the planholder to be ordinarily inhabited by the planholder or by the planholder's spouse or an individual who was the planholder's spouse at the time of acquisition by the planholder of the eligible home, or by both of them, for a period of at least thirty consecutive days within two years of the first day of ownership by the planholder.
- (5) Where the assets of the plan have not been released Minister's under subsection (1), the Minister may, if the Minister is satisfied that the planholder has purchased property that is or may become a qualifying eligible home under subsection (4),

- (a) consent to the release of the assets of the plan by the depositary to the planholder;
- (b) in the case of an agreement to purchase a proposed condominium unit that may become a qualifying eligible home, consent to the release of the assets of the plan to the planholder, but the date of release of the assets of the plan shall be not more than thirty days before the date when a deed or transfer of the unit acceptable for registration is to be deliv-

ered to the planholder unless the Minister is satisfied that,

- (i) the planholder is required, under the agreement to purchase the proposed condominium unit, to take possession of or to occupy the proposed condominium unit before a deed or transfer of the unit acceptable for registration is delivered to the planholder, and
- (ii) the total amount the planholder has paid or is required to pay forthwith to the vendor of the proposed condominium unit under the agreement is equal to or greater than the value of the assets of the plan;
- (c) direct that no amount, or an amount not in excess of the amount otherwise determined under subsection 9 (2), be deducted, withheld and remitted to the Minister by the depositary of the plan under subsection 9 (2); and
- (d) impose such conditions on the release as the Minister, in his or her discretion, considers necessary to ensure compliance with this Act and the regulations.

Refund

(6) Where an amount has been deducted, withheld and remitted under clause (5) (c), the Minister may refund the amount to the planholder, together with interest on the amount at the prescribed rate, where the Minister is satisfied that the property purchased by the planholder is or will be a qualifying eligible home under subsection (4).

Proposed condominium unit

(7) For the purposes of subsection 12 (1), where the assets of an Ontario home ownership savings plan have been released under subsection (5) to a planholder who has entered into an agreement to purchase a proposed condominium unit, the planholder shall be deemed to have acquired ownership of the proposed condominium unit and the proposed condominium unit shall be deemed to be an eligible home on the date the planholder is entitled to immediate vacant possession of the proposed condominium unit.

Death of planholder

- **6.** Subject to section 7, in the event of the death of a planholder of an Ontario home ownership savings plan,
  - (a) the planholder shall be deemed to have received all of the assets of the plan immediately before his or her death; and

- (b) the depositary of the Ontario home ownership savings plan shall pay over the assets of the plan, less the amount required to be withheld and remitted to the Minister under section 9, to the legal personal representative of the deceased planholder or, where the planholder had previously designated in writing a person entitled to receipt of the assets of the plan on the death of the planholder, to such person.
- 7.—(1) If permitted by the terms of the plan, the planholder of an Ontario home ownership savings plan may make and file with the depositary of the plan an election in writing, planholder electing to transfer all assets of the plan on the death of the planholder to the Ontario home ownership savings plan of the planholder's spouse if the spouse survives the planholder.

Election to transfer on

(2) Subject to subsection (3), where the planholder of an Ontario home ownership savings plan has made and filed an election under subsection (1) that was not revoked by the planholder before his or her death, the depositary of the plan shall, upon the death of the deceased planholder,

spouse's plan

- (a) transfer all assets of the plan within fifteen months of the death of the deceased planholder to the Ontario home ownership savings plan of which the spouse of the deceased planholder is the planholder; and
- (b) notify the Minister in writing of the transfer and provide to the Minister such information with respect to the transfer as the Minister may require.
- (3) No transfer may be made under subsection (2) unless,

No transfer to spouse's

- (a) the spouse is alive at the time of the transfer to the spouse's Ontario home ownership savings plan; and
- the spouse is eligible under this Act to be and is a planholder of an Ontario home ownership savings plan at the time of the transfer.
- (4) For the purposes of this Act and the *Income Tax Act*, Idem where assets of the plan of a deceased planholder have been transferred under subsection (2).
  - (a) all such property shall be deemed to form part of the assets of the plan of the spouse from the date of death of the deceased planholder;

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- (b) any tax credit allowed under the Income Tax Act to a person with respect to any qualifying contribution made by the deceased planholder to the deceased planholder's Ontario home ownership savings plan shall be deemed to be a tax credit allowed to the spouse at the time, in the amount and in respect of the taxation year such tax credit was allowed under that Act to such person, notwithstanding that by operation of this clause the total amount of tax credits allowed and deemed to have been allowed to the spouse in respect of any taxation year exceeds the maximum tax credit allowed under that Act for the taxation year, and the date of the first assessment referred to in subclause 9 (1) (b) (i) shall be, for the purposes of determining the amount of interest that may be payable at any time by the spouse under subsection 9 (1), the date of the first assessment for the taxation year under which the tax credit was allowed to such person:
- (c) the deceased planholder shall be deemed not to have received any assets of the plan; and
- (d) the amount of the transfer shall not be taken into consideration in determining the amount of any tax credit that may be claimed by any person under the *Income Tax Act* with respect to contributions to the spouse's plan.

R.S.O. 1980, c. 213

Deemed revocation of election

(5) Where no transfer under subsection (2) may be made by reason of the provisions of subsection (3), the deceased planholder shall be deemed to have revoked the election referred to in subsection (1) prior to death.

**Multiple** transfers (6) For the purposes of clause (4) (b), the qualifying contributions made by the deceased planholder to the deceased planholder's Ontario home ownership savings plan shall be deemed to include all qualifying contributions made by any other deceased planholder to an Ontario home ownership savings plan the assets of which have been transferred under this section to the deceased planholder's Ontario home ownership savings plan.

Replacement depositary

8. An Ontario home ownership savings plan may at any time be revised or amended to provide for the transfer, on behalf of and at the direction of the planholder, of the assets of the plan by the depositary to another depositary, which may be referred to as a replacement depositary, to be held by the replacement depositary as assets of an Ontario home ownership savings plan and upon the transfer,

- (a) the amount transferred shall not be deemed to have been received by the planholder;
- (b) the replacement depositary shall hold the amount transferred as assets of the Ontario home ownership savings plan of the planholder under an arrangement the terms and conditions of which comply with section 2 and shall assume and fulfil the responsibilities under this Act of the depositary of the plan;
- the transfer shall not be considered to be a qualifying contribution to an Ontario home ownership savings plan; and
- the planholder shall not be considered to have (d) entered into more than one Ontario home ownership savings plan by reason only of the transfer.
- 9.—(1) Where a planholder under an Ontario home Tax credit ownership savings plan receives any assets of the plan or the use or benefit of any assets of the plan either directly or indirectly, or is deemed by this Act to have received any assets of the plan, other than for the purpose of purchasing a qualifying eligible home described in subsection 5 (4), the planholder is liable to pay to the Treasurer an amount equal to the aggregate of,

(a) a tax credit recovery equal to the total amount of all tax credits allowed under the Income Tax Act to the R.S.O. 1980, planholder or to the planholder's spouse or former spouse in respect of qualifying contributions made by the planholder to the plan; and

- (b) interest at the prescribed rate on the amount of each such tax credit computed from the later of,
  - (i) the date of the first assessment under the Income Tax Act for the taxation year to which the tax credit applies which allows the tax credit to any person, and
  - (ii) the 30th day of April of the year following the taxation year to which the tax credit applies,

to the date of payment by the planholder.

(2) Except in the circumstances described in section 5, Withholding where a depositary of an Ontario home ownership savings plan pays out or releases any assets of the plan to any person,

by depositary

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or the planholder is deemed by this Act to have received any assets of the plan, the depositary shall,

- (a) file with the Minister a return in the prescribed form containing the prescribed information within thirty days of the date of the payment or release of the assets of the plan or the date the planholder is deemed by this Act to have received any assets of the plan, as the case may be;
- (b) deduct and withhold from the assets of the plan and remit to the Minister in the prescribed manner and at the prescribed time, on account of the tax credit recovery and interest payable by the planholder under subsection (1), an amount equal to 25 per cent of the total value of all assets of the plan immediately before the payment or release or on the date the planholder is deemed by this Act to have received any assets of the plan, as the case may be; and
- (c) hold the amount required to be withheld and remitted under clause (b) separate and apart from the depositary's own money, assets and estate, in trust for Her Majesty in right of Ontario, until the amount is remitted to the Minister.

Notice of determination of tax credit recovery and interest (3) Where a planholder is liable to pay an amount under subsection (1), the Minister shall determine the amount of the tax credit recovery and interest payable by the planholder and shall send to the planholder a notice of determination of the tax credit recovery and interest.

Payment of tax credit recovery and interest (4) The planholder shall, within thirty days from the day of mailing of the notice of determination under subsection (3), pay to the Treasurer any part of the tax credit recovery and interest then remaining unpaid, whether or not an objection to or an appeal from the Minister's determination is outstanding, all amounts received by the Treasurer under this section to be applied firstly to any interest then payable and any balance then remaining to be applied against the tax credit recovery payable.

Refund of overpayment

(5) The Minister shall, on or after mailing the notice of determination under subsection (3), refund any overpayment made on account of the amount payable by the planholder under subsection (1) and shall pay interest at the prescribed rate on such overpayment from the day when the overpayment arose to the day of refunding, unless the amount of the

interest calculated is less than one dollar, in which event no interest shall be paid.

- (6) A notice of determination under this section includes Idem any amended notice of determination.
- (7) Where an amount has been deducted, withheld and Idem remitted under subsection (2), the receipt of the Minister therefor is a full and sufficient discharge to the depositary for the payment over of such money and such payment is a full and complete discharge to the depositary making it and for any claim to such payment by any person who claims to be entitled to the funds.
- (8) Where a depositary fails to deduct, withhold and remit Idem an amount as required by subsection (2), the depositary is liable to the Crown for the amount that should have been deducted, withheld and remitted.
- (9) The terms of an Ontario home ownership savings plan Adminismay permit a depositary, on a transfer, payment or release of the assets of the plan, to deduct any fees or charges payable by the planholder to the depositary in connection with the operation or administration of the plan from the assets of the plan remaining after the deduction of any amount required to be deducted under subsection (2).

tration fee

#### **10.**—(1) Where the Minister determines that,

Proposal to close plan

- (a) a home ownership savings plan purporting to be an Ontario home ownership savings plan has failed to comply with the requirements of section 2:
- a contribution made to an Ontario home ownership savings plan was not a qualifying contribution by reason of clause 3 (3) (a), (b) or (d);
- (c) the planholder of an Ontario home ownership savings plan owns or owned at any time an interest in an eligible home;
- (d) the spouse of a planholder of an Ontario home ownership savings plan with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned, at any time when the planholder and the spouse were married, an interest in an eligible home; or

(e) the assets of the plan are not held in the form of qualified investments,

the Minister may serve on the planholder and the depositary of the plan, by ordinary mail or by personal service, a notice of proposal to close the plan, together with written reasons therefor.

Consent to release after proposal

(2) Where the Minister has served a proposal under subsection (1), the depositary shall not release any assets of the plan to any person without obtaining the prior written consent of the Minister to the release.

Objection

(3) Where the planholder objects to a proposal served under subsection (1), the planholder may, within sixty days from the date of mailing of the proposal, serve on the Minister by registered mail addressed to the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Closing of plan

(4) Where no notice of objection is served under subsection (3), the Minister may carry out the proposal to close the plan by serving on the planholder and the depositary, by ordinary mail or personal service, a notice of closing of the plan.

Recovery of tax credits

- (5) Where the Minister serves a notice of closing under subsection (4),
  - (a) the planholder shall be deemed, for the purposes of section 9, to have received all the assets of the plan on the day of mailing of the notice of closing;
  - (b) the depositary shall deduct, withhold and remit to the Minister under subsection 9 (2),
    - (i) where the Minister specifies in the notice of closing an amount to be deducted, withheld and remitted, such amount in lieu of the amount otherwise required under subsection 9 (2), and
    - (ii) where the Minister does not specify in the notice of closing an amount to be deducted, withheld and remitted, the amount required to be deducted, withheld and remitted under subsection 9 (2); and
  - (c) where the Minister specifies in the notice of closing an amount to be deducted, withheld and remitted by the depositary of the plan, the notice of closing

shall be deemed, for the purposes of sections 9 and 12, to be a notice of determination of tax credit recovery and interest sent to the planholder under subsection 9 (3).

11. In the event that a planholder under an Ontario home Deemed ownership savings plan has not obtained a release of the assets of the plan under section 5 and completed, on or before the on 1st day of 31st day of December, 1999, the purchase of property that will be a qualifying eligible home, the planholder shall be deemed, for the purposes of section 9, to have received all the assets of the plan on the 1st day of January, 2000.

receipt of assets of plan January, 2000

12.—(1) Where, after the assets of an Ontario home Tax credit ownership savings plan have been released under section 5 and used in the purchase of property, the Minister determines that.

- the Ontario home ownership savings plan failed to comply with the requirements of section 2;
- a contribution made to the Ontario home ownership savings plan was not a qualifying contribution by reason of clause 3 (3) (a), (b) or (d);
- (c) the planholder of the Ontario home ownership savings plan owned an interest in an eligible home at any time before the purchase of the property;
- (d) a spouse of the planholder of the Ontario home ownership savings plan with whom the planholder resided at the time of the purchase of the property, or from whom the planholder lived separate and apart for reasons other than marriage breakdown, owned, at any time before the purchase of the property and while the planholder and the spouse were married, an interest in an eligible home; or
- the assets of the plan were used in the purchase of (e) property,
  - (i) that was not a qualifying eligible home, or
  - (ii) from a person who, at the time of the purchase, did not deal, within the meaning of section 251 of the *Income Tax Act* (Canada), at arm's length with the planholder, for a consideration less than the value of the assets of the plan at the time of the release of the assets of the plan under section 5.

R.S.C. 1952,

the Minister may serve, on the former planholder of the plan, by ordinary mail or by personal service, a notice of determination of tax credit recovery and interest, together with written reasons therefor.

Idem

(2) Where a notice of determination of tax credit recovery and interest has been served under subsection (1), the former planholder of the plan shall be deemed, for the purposes of subsections 9 (1), (4) and (6), to have received all of the assets of the plan on the date the assets of the plan were released under section 5 by the depositary thereof and shall be liable to pay to the Treasurer the amount determined under subsection 9 (1).

Objection

(3) Where a planholder or former planholder objects to a notice served under subsection (1) or 9 (3), the planholder or former planholder may, within sixty days from the day of mailing of the notice, serve on the Minister, by registered mail addressed to the Minister, a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Idem

(4) The Minister may accept a notice of objection under this section or section 10 notwithstanding that it was not served in the manner required.

Reconsideration

(5) Upon receipt of a notice of objection served under this section or section 10, the Minister shall, with all due dispatch, reconsider the proposal or determination objected to and confirm, vary or abandon the proposal or determination, and the Minister shall thereupon notify the planholder or former planholder making the objection of his or her action by registered mail.

Where decision final

(6) A decision of the Minister under subsection (5) is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act or the *Income Tax Act*, or involves an issue solely of law.

R.S.O. 1980, c. 213

- Determination of question
- (7) In any dispute over a decision or action of the Minister under subsection (5), the Minister may, where the dispute involves the interpretation of a provision of this Act or the *Income Tax Act*, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Divisional Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts

have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

13.—(1) Upon default of payment by any person of any Action to amount owing by the person to the Treasurer under this Act,

- (a) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar nature may be collected, and every such action shall be brought and executed in and by the name of the Minister or the Minister's name of office and may be continued by the Minister's successor in office as if no change had occurred, and shall be tried without a jury; and
- (b) the Minister may issue a warrant directed to the sheriff of any county or district in which any property of the person is located or situate, for the amount owing, including interest if applicable, by the person, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and the warrant has the same force and effect as a writ of seizure and sale issued out of the Supreme Court of Ontario.
- (2) For the purpose of any proceeding taken under this <sup>Idem</sup> Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

(3) Section 34 of the Retail Sales Tax Act, which relates to Garnishment garnishment, applies with necessary modifications with respect to amounts payable to the Treasurer under this Act.

R.S.O. 1980,

(4) Where the Minister considers it advisable, the Minister Acceptance may accept security for the payment of any amount payable under this Act in any form that the Minister considers satisfactory.

of security

(5) The use of any of the remedies provided by this Act Idem does not bar or affect any of the other remedies herein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of an amount payable under this Act are in addition to any other remedies existing at law.

Duty to keep records Bill 126

R.S.O. 1980, c. 97 14.—(1) Every depositary under this Act shall keep the prescribed records at its permanent establishment in Ontario, as defined in the *Corporations Tax Act*, or at its place of business in Ontario, or at such other place of business as is designated by the Minister in respect of any particular depositary, in the form and containing such information as will enable the Minister to determine that this Act and the regulations have been complied with.

Failure to keep records (2) Where the depositary has failed to keep adequate records for the purposes of this Act, the Minister may require the depositary to keep such records as may be specified by the Minister.

Retention of

(3) Every depositary required by this section to keep records shall, until permission for their disposal is given by the Minister, retain each such record and every account and voucher necessary to verify the information in each such record.

Audit

- 15.—(1) Any person authorized by the Minister for any purpose relating to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or where records are or should be kept pursuant to this Act, and,
  - (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of any tax credit paid or payable under the *Income Tax Act* in connection with this Act:

R.S.O. 1980, c. 213

(b) examine any property, process or matter, an examination of which may, in his or her opinion, assist the person in determining the accuracy of any application required by this Act or ascertaining the information that is or should be in the books and records or in the application, or the amount of any tax credit under the *Income Tax Act* in connection with this Act; and

R.S.O. 1980, c. 213

(c) require any person on the premises to give him or her all reasonable assistance with the audit or examination and to answer all questions relating to the audit or examination either orally or, if so required, in writing, on oath or statutory declaration and, for that purpose, require the person to attend at the premises or place with him or her.

(2) The Minister may, for any purpose relating to the Demand for administration and enforcement of this Act, by registered letter or by a demand served personally, require from any depositary or from any officer, director or agent thereof, or from any other person.

- (a) any information or additional information or any required or prescribed form; or
- production, or production on oath or affirmation, of books, letters, accounts, invoices, statements, financial or otherwise, or other documents.

within such reasonable time as is stipulated in the letter or demand.

(3) Where a book, record or other document has been Copies examined or produced under this section, the person by whom it is examined or to whom it is produced or any officer of the Ministry of Revenue may make, or cause to be made, one or more copies thereof and a document purporting to be certified by the Minister or by a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative value as the original document would have had if it had been proven in the ordinary manner.

(4) No person shall hinder, molest or interfere with any Duty to person doing anything that he or she is authorized by this section to do or prevent or attempt to prevent any person doing any such thing and, notwithstanding any other law to the contrary, every person shall, unless he or she is unable to do so, do everything he or she is required by this section to do.

(5) Any officer or employee of the Ministry of Revenue Adminiswho is authorized by the Minister may administer oaths and oaths take or receive affidavits, declarations or affirmations for the purpose of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

16. Every person employed directly or indirectly in the Confidenadministration or enforcement of this Act or the *Income Tax* R.S.O. 1980, Act, or in the development and evaluation of tax policy for c. 213 the Government of Ontario, shall preserve secrecy with respect to all matters related to this Act that come to his or her knowledge in the course of such employment and shall not communicate any information or material related to any such matter to any other person not legally entitled thereto except,

R.S.O. 1980, c. 213

R.S.C. 1952, c. 148

- (a) as may be required in connection with the administration or enforcement of this Act, the *Income Tax Act* or any other Act administered by the Minister or the *Income Tax Act* (Canada) or the regulations under any of them;
- (b) as may be required in connection with the development and evaluation of tax policy by the Government of Ontario or the Government of Canada;
- (c) to his or her counsel; or
- (d) with the consent of the person to whom the information or material relates.

Offences

17.—(1) Any person who contravenes any provision of this Act or the regulations is guilty of an offence and, upon conviction, is liable, where no other penalty is provided for the offence, to a fine of not less than \$50 and not more than \$2,000.

False statements

- (2) Every person who,
  - (a) makes, participates in, assents to or acquiesces in the making of a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to disclose any material fact the omission of which makes the statement false or misleading;
  - (b) makes, assents to, participates in or acquiesces in the making of false or misleading entries, or omits to, or assents to or participates or acquiesces in the omission of entering a material particular, in records required to be maintained under this Act or the regulations;

R.S.O. 1980, c. 213

- (c) knowingly converts to his or her own use a payment of a tax credit under the *Income Tax Act* in respect of a contribution to an Ontario home ownership savings plan to which he or she was not entitled; or
- (d) conspires with any person to commit an offence described in clause (a), (b) or (c),

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000, or if such person is a corporation, to a fine of not more than \$20,000.

(3) No person is guilty of an offence under clause (2) (a) or Exception (b) if he or she did not know, and in the exercise of due diligence could not have known, that the statement or entry was false or misleading or the omission makes a statement or record false or misleading.

- (4) Subsections 49 (1), (2), (4), (5), (6), (7), (9) and (11) of Idem the Income Tax Act apply with necessary modifications for the R.S.O. 1980, purposes of this Act.
- 18. Proceedings to enforce any provision of this Act with Limitation respect to an Ontario home ownership savings plan may b commenced not later than six years after,
  - (a) where the assets of the plan have been released under section 5, the date of the release; and
  - (b) where the planholder of the plan receives any assets of the plan or is deemed by this Act to have received any assets of the plan, the date when the assets of the plan are received or deemed to have been received.
- 19.—(1) The Lieutenant Governor in Council may make Regulations regulations.
  - defining any word or expression used in this Act (a) that has not already been expressly defined in this Act:
  - (b) prescribing any matter required by this Act to be prescribed by the regulations;
  - (c) prescribing rates of interest for the purposes of this Act or a formula for computing the rates and the method of calculating the interest;
  - increasing or decreasing the percentage referred to (d) in subsection 9 (2) in all circumstances or in prescribed circumstances, and prescribing circumstances where no amount is required to be deducted, withheld and remitted under subsection 9 (2);
  - (e) prescribing forms and providing for their use;
  - (f) prescribing information to be obtained from planholders by depositaries in connection with or for the purposes of this Act:

**Bill 126** 

- (g) requiring any person to make information returns respecting any class of information required by the Minister in the administration of this Act or in determining compliance with this Act;
- (h) providing for the review and approval of specimen Ontario home ownership savings plans.

May be retroactive

(2) A regulation is, if it so provides, effective with reference to a period before it was filed.

Commencement

- 20. This Act comes into force on the earlier of,
  - (a) the day on which it receives Royal Assent; or
  - (b) the 1st day of September, 1988.

Short title

21. The short title of this Act is the Ontario Home Owner-ship Savings Plan Act, 1988.

Pagyn

ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# Bill 128

(Chapter 5 Statutes of Ontario, 1989)

## An Act to amend the Planning Act, 1983

The Hon. J. Eakins

Minister of Municipal Affairs

LEGISLATIVE ASSEMBLY

1st Reading May 4th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



**Bill 128** 1988

### An Act to amend the Planning Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 1 (e) of the *Planning Act*, 1983, being chapter 1, is repealed and the following substituted therefor:
  - (e) "Minister" means the Minister of Municipal Affairs.
- 2. Section 2 of the said Act is amended by striking out "and" at the end of clause (h) and by adding thereto the following clause:
  - (i) the provision of a range of housing types.
- 3. Section 3 of the said Act is amended by adding thereto the following subsection:
- (6) Except as provided in subsection (5), nothing in this Nonsection affects nor restricts the Minister in the carrying out of of section the Minister's duties and responsibilities under any other section of this Act including the determining or declaring of any matter to be a matter of provincial interest and the procedure followed in so determining or declaring.

applicability

- 4. Section 4 of the said Act is amended by adding thereto the following subsection:
- (2a) Despite subsections (1) and (2), where the Minister has delegated the authority of the Minister under section 52 for the granting of consents, subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications and subsections 52 (10) to (14) do not apply, in the exercise of that authority.

authority to delegated

- 5.—(1) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:
- (1) Where the Minister has delegated any authority to a Further council under section 4, such council may, in turn, by by-law, powers

and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including the referral of any matter to the Municipal Board.

Limitation

- (1a) Despite subsection (1), a council may not delegate the authority to approve amendments to official plans without the prior written approval of the Minister, which approval may be subject to such further conditions as the Minister considers appropriate.
- (2) Subsection 5 (2) of the said Act is amended by striking out "and the provisions of subsections 52 (2) to (9) and (15) to (22) apply with necessary modifications in the exercise of that authority" in the seventh, eighth and ninth lines.
- 6.—(1) Subsections 17 (14), (15), (16) and (17) of the said Act are repealed and the following substituted therefor:

Hearing and notice thereof

- (14) On a referral to the Municipal Board, the Board shall hold a hearing, of which notice shall be given to such persons or bodies and in such manner as the Board may determine.
- (2) Subsection 17 (19) of the said Act is amended by striking out "adversely" in the fourth line and in the ninth line.
- 7. Subsection 20 (1) of the said Act is repealed and the following substituted therefor:

Lodging of plan

- (1) A certified copy of the official plan shall be lodged in the office of the clerk of each municipality to which the plan or any part of the plan applies.
- 8. Subsection 21 (2) of the said Act is amended by striking out "adversely" in the second line.
- 9. Subsection 22 (5) of the said Act is amended by striking out "adversely" in the fourth line and in the ninth line.
- 10. Subsection 23 (1) of the said Act is amended by striking out "adversely" in the third line.
- 11.—(1) Subsection 24 (2) of the said Act is repealed and the following substituted therefor:

(2) Where a council has adopted an amendment to an offi- Validity of cial plan, the council of any municipality to which the plan or any part of the plan applies may, before the Minister has approved the amendment, pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

by-laws conforming amendments

#### (2) Clause 24 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) an appeal is taken and the appeal is dismissed or the by-law is amended by the Municipal Board or as directed by the Municipal Board,

#### 12. Section 28 of the said Act is amended by adding thereto the following subsection:

(7a) Where the council of the municipality proposes to exercise any power or authority under subsection (6) or (7) that would be prohibited under subsection 112 (1) of the Municipal Act, the Minister may approve the exercise of such R.S.O. 1980, power or authority in order that the exception provided for in subsection 112 (2) of the Municipal Act will apply.

Approval of Minister

#### 13.—(1) Section 33 of the said Act is amended by adding thereto the following subsection:

(7a) Notice of any condition imposed under subsection (7) may be registered in the proper land registry office against the land to which it applies.

Registration of notice

#### (2) Subsection 33 (10) of the said Act is repealed and the following substituted therefor:

(10) Where a condition has been imposed under subsection Application (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time conditions of specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.

to council for relief from demolition permit

(10a) Notice of application under subsection (10) shall be Notice of sent by registered mail to the clerk of the municipality not less

application

than sixty days before the time specified in the permit for the completion of the new building and, where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

PLANNING

Extension of

- (10b) Despite subsection (10a), the council may, at any time, extend the date specified in that subsection for the making of an application for relief from the conditions on which the permit was issued.
- 14.—(1) Subsections 34 (12) and (13) of the said Act are repealed and the following substituted therefor:

Information and public meeting (12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11) or (27), the council shall ensure that sufficient information is made available to enable the public to understand generally the zoning proposal that is being considered by the council and, for this purpose, shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed.

Time for meeting, etc.

- (13) The meeting mentioned in subsection (12) shall be held not sooner than twenty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the zoning proposal.
- (2) Subsection 34 (15) of the said Act is repealed and the following substituted therefor:

Information to agencies, etc.

(15) The council shall forward to such boards, commissions, authorities or other agencies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal.

Extension of time for submission of comments (15a) Where a board, commission, authority or other agency receives information under subsection (15), such board, commission, authority or agency may in writing notify the clerk of the municipality at any time before the expiry of the twenty-day period mentioned in subsection (15) that a further period of time is required to submit comments in respect of the zoning proposal and, where notice is so given, a by-law implementing the proposal may not be passed until either the comments have been received by the council or thirty days

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5

have elapsed from the date that the information was forwarded under subsection (15), whichever first occurs.

- (3) Subsections 34 (17) and (18) of the said Act are repealed and the following substituted therefor:
- (17) Where the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11) or (27), the clerk of the municipality shall give written notice of the passing of the bylaw in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (18).

Notice of passing of

(18) Any person, including the Minister or agency, may, not later than the twentieth day after the day that the giving of written notice as required by subsection (17) is completed, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Appeal to O.M.B.

(18a) For the purposes of subsection (18), the giving of When giving written notice shall be deemed to be completed,

of notice deemed completed

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.
- (4) Subsections 34 (22), (23), (24) and (25) of the said Act are repealed and the following substituted therefor:
- (22) On an appeal to the Municipal Board, the Board shall Hearing and hold a hearing of which notice shall be given to such persons thereof or bodies and in such manner as the Board may determine.

- (5) Subsection 34 (28) of the said Act is amended by striking out "adversely" in the third line and in the eighth line.
- 15. The said Act is amended by adding thereto the following section:
- **34a.**—(1) The authority to pass by-laws under subsections 34 (1) and 37 (1) does not include the authority to pass bylaws that distinguish between persons who are related and relationship

No authority to distinguish on basis of

persons who are unrelated in respect of the occupancy of a building or structure.

Idem

- (2) A provision in a by-law that distinguishes between persons who are related and persons who are unrelated in respect of the occupancy of a building or structure ceases to have effect on the day this section comes into force.
- 16. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Condition

- (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1).
- 17. Subsection 36 (2) of the said Act is repealed and the following substituted therefor:

Condition

- (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.
- 18. Clause 40 (8) (a) of the said Act is amended by adding thereto the following paragraph:
  - 4. Where the land abuts a highway under the jurisdiction of the county or regional, metropolitan or district municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land.
- 19. Subsection 41 (4) of the said Act is repealed and the following substituted therefor:

Official plan requirement

- (4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement.
- 20.—(1) Subsection 44 (10) of the said Act is amended by striking out "by mail" in the second line.
- (2) Subsection 44 (12) of the said Act is amended by striking out "serving personally on or sending by registered mail to" in

- (3) Subsection 44 (13) of the said Act is amended by striking out "served or sent to him" in the second line and inserting in lieu thereof "filed".
- 21.—(1) Clause 46 (1) (a) of the said Act is repealed and the following substituted therefor:
  - in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34. 37 or 38, but subsections 34 (12) to (31) do not apply to the exercise of such powers; and
- (2) Subsection 46 (15) of the said Act is amended by striking out "adversely" in the fourth line.
- 22. Subsection 49 (1) of the said Act is amended by striking out "section 52 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4, 5 and 53" in the twenty-ninth, thirtieth and thirty-first lines and inserting in lieu thereof "subsections 52 (1), (2), (17), (18), (19), (21) and (22) to the Minister includes a delegate of the Minister, as provided for in sections 4 and 54, and a reference herein and in section 52 to a council includes a delegate of a council, as provided for in sections 5 and 53".
- 23.—(1) Subsection 52 (7) of the said Act is amended by inserting after "sent" in the second line "either as required under subsection (5) or otherwise, including notice sent in accordance with a condition of delegation of the authority to grant consents".
- (2) Subsection 52 (20) of the said Act is amended by adding at the end thereof "but where there is an appeal under subsection (7) or (8), or a referral under subsection (13) or (14), the application for consent shall not be deemed to be refused for failure to fulfil the conditions until the expiry of a period of one year from the date of the order of the Municipal Board issued in respect of the appeal or referral".
- 24. Subsection 56 (1) of the said Act is repealed and the following substituted therefor:
- (1) The Minister may by order, in respect of land described Effect of in the order, provide that the contravention of section 49 or a of s. 49, etc. predecessor thereof or of a by-law passed under a predecessor

of section 49 or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day on which the order is made by the Minister.

**PLANNING** 

# 25. Subsections 68 (1) and (2) of the said Act are repealed and the following substituted therefor:

Tariff of fees

(1) The council of a municipality, by by-law, and a planning board, by resolution, may prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.

Reduction or waiver of fees

- (2) Notwithstanding that a tariff of fees is prescribed under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.
  - 26. Clause 69 (d) of the said Act is repealed.

Commencement 27.—(1) This Act, except sections 3 and 4, subsection 5 (2) and section 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of August, 1983 but subsection 3 (6) of the *Planning Act, 1983*, as enacted by section 3 of this Act, does not apply so as to affect the rights acquired by any person from a judgment or order of any court given or made on or before the 4th day of May, 1988.

- (3) Section 4, subsection 5 (2) and section 14 come into force Idem on a day to be named by proclamation of the Lieutenant Governor.
- 28. The short title of this Act is the Planning Amendment Short title Act, 1989.



1st SESSION, 34th LEGISLATURE, ONTARIO

Preis. Go

# Bill 130

(Chapter 23 Statutes of Ontario, 1988)

### An Act to amend the Regional Municipality of Waterloo Act and the Education Act

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 9th, 1988

2nd Reading May 17th, 1988

3rd Reading May 18th, 1988

Royal Assent May 24th, 1988



Bill 130 1988

### An Act to amend the Regional Municipality of Waterloo Act and the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 115 of the Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

115. In this Part,

**Definitions** 

"commercial assessment" means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"public school board" means a public board as defined in paragraph 42a of subsection 1 (1) of the *Education Act*;

R.S.O. 1980,

"rateable property" includes business and other assessment made under the Assessment Act;

R.S.O. 1980,

"regional rating by-law" means a by-law passed under subsection 118 (2) or (3); "residential and farm assessment" means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in clauses (a) and (c) of the definition of "commercial assessment":

R.S.O. 1980, c. 129 "separate school board" means a separate school board as defined in paragraph 59a of subsection 1 (1) of the *Education Act*;

"weighted assessment" means, for the relevant area, the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.
- 2. Section 118 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 45, section 13, and sections 119, 120, 121 and 122 are repealed and the following substituted therefor:

Definitions

**118.**—(1) In this section,

"general regional levy" means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 117, and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act,

but excludes the special library levy;

"special library levy" means an amount required to be raised by two or more township area municipalities in any year for regional library purposes.

General regional rating by-law

(2) For purposes of raising the general regional levy, the Regional Council, on or before the 30th day of June in 1988 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipal-

ity rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

(3) For purposes of raising a special library levy, the Special Regional Council, on or before the 30th day of June in 1988 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each applicable area municipality, to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

(4) The rate that the Regional Council shall direct to be Determilevied in each year on commercial assessment for each separate levy specified in subsections (2) and (3) shall be deter-commercial mined by multiplying the sum required for each such levy by 1.000 and dividing the product.

- (a) by the weighted assessment for all the area municipalities in the Regional Area, in the case of the general regional levy; and
- (b) by the weighted assessment of those area municipalities that are rateable for the purpose of raising the special library levy, in the case of a special library levy.
- (5) The rate that the Regional Council shall direct to be Determilevied on the residential and farm assessment under subsections (2) and (3) shall be 85 per cent of the rate to be levied rate on commercial assessment in accordance with subsection (4).

of residential

(6) In each year the council of each area municipality shall Area levy, in accordance with the regional rating by-laws passed for that year, the rates specified in the by-law.

municipality to adopt

(7) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining weighted assessment for the purposes of subsection (4).

Tax exempt real property

(8) The full value of all rateable property shall be used in Full value determining,

(a) the rates to be levied under subsections (4) and (5); and

(b) the assessment on which the levy shall be made under subsection (6).

and, notwithstanding any other Act, but subject to section 22 of the Assessment Act, no fixed assessment applies thereto. R.S.O. 1980.

Instalment and advance payments

c. 31

- (9) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,
  - may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and
  - may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

**Payment** 

(10) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Default

(11) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension of time

(12) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limits set out in subsection (2) or (3) have expired.

Alternative basis of apportionment R.S.O. 1980,

(13) Notwithstanding subsections (4) and (5), in each of the years 1988, 1989 and 1990, the Lieutenant Governor in Council may, in a regulation made under section 9a of the Ontario Unconditional Grants Act, prescribe an alternative basis on which apportionments are to be made and may prescribe the manner of determining the mill rates to be specified and determined under subsections (2) and (3).

(14) A basis of apportionment prescribed by the Lieutenant Deeming Governor in Council under subsection (13) shall be deemed to have been prescribed under subsection 9a (1) of the Ontario R.S.O. 1980, Unconditional Grants Act as an alternative to the basis of apportionment that would have been prescribed for the Regional Area under subsection 9a (1) if the Regional Area had not been subject to an assessment update under subsection 121 (1).

118a.—(1) In each year, The Huron-Perth Roman Catho-Determination lic Separate School Board, The Waterloo County Board of School Education and The Waterloo County Roman Catholic Sepa-rates rate School Board shall determine the rates to be levied by the applicable area municipalities to provide the sums required for elementary and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

(2) The determinations required by subsection (1) shall be Idem made in accordance with subsection 222 (1) of the Education R.S.O. 1980,

(3) On or before the 1st day of March in each year, The Direction Huron-Perth Roman Catholic Separate School Board, The municipalities Waterloo County Board of Education and The Waterloo County Roman Catholic Separate School Board shall direct the council of each applicable area municipality to levy the rates determined by the particular Board in respect of that area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levving those rates.

(4) In each year the council of an area municipality shall Area levy rates, in accordance with the directions under subsection (3), upon all property in the area municipality rateable for public school board or separate school board purposes, as may be appropriate.

municipality to levy

(5) The full value of all applicable rateable property shall Full value be used in determining,

to be used

- (a) the weighted assessment for each area municipality for purposes of apportioning among the applicable area municipalities the sums required for school purposes by the school boards mentioned in subsection (3);
- (b) the rates mentioned in subsection (1); and

R.S.O. 1980, c. 129

the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the Education Act.

and notwithstanding any other Act, but subject to section 22 R.S.O. 1980, of the Assessment Act, no fixed assessment applies thereto.

Definitions R.S.O. 1980, c. 129, s. 220

(6) For the purposes of determining and levying rates under this section, a reference in the Education Act to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act.

Nonapplication of R.S.O. 1980, c. 129, s. 219 (2)

(7) Subsection 219 (2) of the Education Act does not apply to the determination of rates under subsection (1).

Application R.S.O. 1980, c. 129

(8) Except as provided in this section, the Education Act continues to apply to the levying of rates and collecting of taxes for each public school board and separate school board having jurisdiction in part of the Regional Area.

**Definitions** 

**118b.**—(1) In this section,

R.S.O. 1980, c. 302

"area municipality levy" means the amount required for area municipality purposes under section 164 of the Municipal Act including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes;

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

Area municipality levies

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy.

Determination commercial rates

- (3) The rates to be levied in each year on commercial assessment for each separate levy specified in subsection (2) shall be determined by multiplying the sum required for each such levy by 1,000 and dividing the product,
  - (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and

- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.
- (4) The rates to be levied in each year on residential and Determifarm assessment for each separate levy specified in subsection of residential (2) shall be 85 per cent of the rate to be levied on commercial rates assessment in accordance with subsection (3).

(5) Section 158 of the Municipal Act and section 7 of the Non-Ontario Unconditional Grants Act do not apply to an area municipality.

application of R.S.O. 1980, c. 302, s. 158 and c. 359,

(6) A reference in any other Act to a levy by a local municipality under section 158 of the Municipal Act shall, with respect to an area municipality, be deemed to be a reference R.S.O. 1980. to a levy under this section.

Area municipality

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Tax exempt real property

118c.—(1) The Regional Council, before the adoption of Interim the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the Council amount that under subsection 118 (9) was, in the regional rating by-laws for the preceding year, specified to be raised in the particular area municipality and subsections 118 (9), (10) and (11) apply with necessary modifications to the amount requisitioned.

financing, Regional

(2) The amount of any requisition made under subsection Final (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation under the regional rating by-law authorized by clause 118 (9) (a).

instalment

118d.—(1) The council of an area municipality may for Interim any year, before the adoption of the estimates for the year, area levy such rates as it may determine on the rateable commer- municipalities cial assessment and on the rateable residential and farm assessment in the area municipality.

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By-law in December of preceding year (2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

Determination of rate (3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Assessment

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Interim levy deducted from final levy (5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 118, 118a and 118b.

Interim levy in excess of final levy (6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 118, 118a and 118b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 118, 118a and 118b.

Application of R.S.O. 1980, c. 302

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Power of Minister **118e.** Where a direction has been made under subsection 121 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 118c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 118d (1).

**Definitions** 

**119.**—(1) In this section,

"payment in lieu of taxes" means an amount that an area municipality is eligible to receive under.

- (a) subsection 26 (3), (4) or (5) of the Assessment Act, R.S.O. 1980,
- (b) subsection 7 (6) of the Housing Development Act, R.S.O. 1980, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act.
- section 160 and subsection 160a (3) of the Municipal R.S.O. 1980, Act,
- (d) subsection 4 (1), (2) or (3) of the Municipal Tax R.S.O. 1980, Assistance Act.
- (e) section 42 of the Ontario Water Resources Act. R.S.O. 1980, c. 361
- subsection 46 (2), (3), (4) or (5) of the Power Cor- R.S.O. 1980, poration Act, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act.
- (g) section 10 or 11 of the Trees Act, R.S.O. 1980, c. 510
- (h) the Municipal Grants Act, 1980 (Canada), or 1980-81-82-83, c. 37 (Can.)
- any Act of Ontario or of Canada or any agreement (i) where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the Municipal R.S.O. 1980, Act:

"taxes for local purposes" means the taxes levied by an area municipality for local purposes under subsection 118b (2), excluding any adjustments under section 32 or 33 of the Assessment Act:

R.S.O. 1980.

- "taxes for regional purposes" means the sum of taxes levied by an area municipality for regional purposes as specified in the regional rating by-laws under subsections 118 (2) and (3), excluding any adjustments under section 32 or 33 of the Assessment Act:
- "total taxes for all purposes" means the sum of the taxes for local purposes, the taxes for regional purposes and the taxes levied by the area municipality for school purposes under subsection 118a (1), excluding any adjustments under section 32 or 33 of the Assessment Act.

Area municipalities to share payments in lieu of taxes

- (2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total of,
  - (a) the taxes for local purposes for the year; and
  - (b) the taxes for regional purposes for the year.

Sharing of certain payments

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under.

R.S.O. 1980, c. 31 (a) subsection 26 (3), (4) or (5) of the Assessment Act;

R.S.O. 1980, c. 361 (b) section 42 of the Ontario Water Resources Act;

R.S.O. 1980, c. 384 (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act;

R.S.O. 1980, c. 510 (d) section 10 or 11 of the Trees Act; or

1980-81-82-83, c. 37 (Can.)

(e) the Municipal Grants Act, 1980 (Canada),

and the calculation of the payment is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the taxes for regional purposes for the year by the total taxes for all purposes for the year.

Treasurer to provide estimate of share (4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and each school board showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2) and to each school board under subsection 7 (10) of the *Housing Development Act* and under subsection 46 (9) of the *Power Corporation Act*.

R.S.O. 1980, cc. 209, 384

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the Assessment Act; R.S.O. 1980. c. 31
- R.S.O. 1980. (b) subsection 7 (10) of the Housing Development Act;
- (c) subsections 160 (12) and (16) and subsection R.S.O. 1980, 160a (4) of the Municipal Act; and c. 302
- (d) subsection 46 (7) of the Power Corporation Act, R.S.O. 1980. c. 384

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

**120.**—(1) Each area municipality shall pay a portion of the tax levied by it under subsections 161 (12) and (13) of the Municipal Act to the Regional Corporation and The Waterloo County Board of Education in the proportion that the taxes levied by it on commercial assessment in the year for each such body bears to the total taxes levied by it in the year on commercial assessment for all purposes, other than separate school board purposes.

Payment of portion of telephone telegraph tax

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the Assessment Act.

Exclusion of taxes added collector's

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Waterloo County Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Statement by

(4) Subsections 161 (18) to (24) of the Municipal Act do not apply if payments are made by an area municipality under subsection (1).

Exclusion of R.S.O. 1980, c. 302, s. 161 (18-24)

**120a.**—(1) An amount payable by an area municipality to.

Payment in lieu and telephone and telegraph

levies

- (a) the Regional Corporation under subsection 119 (2) or 120 (1);
- (b) a public school board under subsection 120 (1); or
- (c) a school board under subsection 7 (10) of the Housing Development Act or under subsection R.S.O. 1980, 46 (9) of the Power Corporation Act.

cc. 209, 384

is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable on account thereof as follows:

- 1. A first instalment equal to 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 31st day of March.
- 2. A second instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of June.
- 3. A third instalment of 25 per cent of the amount payable for the same purposes in the preceding year, on or before the 30th day of September.
- 4. A fourth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

Alternative payment schedule

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Idem

(3) Where a school board having jurisdiction within the Regional Area has established an agreement which applies to one or more area municipalities in accordance with subsection 215 (3) of the *Education Act*, the number of instalments and due dates specified in that agreement shall apply with necessary modifications to those amounts otherwise payable to the school board under subsection (1).

R.S.O. 1980, c. 129

General revenues

R.S.O. 1980, cc. 209, 384 (4) An amount payable by an area municipality under subsection 119 (2) or 120 (1) or under subsection 7 (10) of the *Housing Development Act* or under subsection 46 (9) of the *Power Corporation Act* shall be credited by the Regional Corporation or school board to its general revenues.

Default

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Overpayment

(6) Where the total amount paid for the year under subsection (1), (2) or (3) exceeds the total amount payable for that purpose in the year, the area municipality shall notify the Regional Corporation or the school board, as the case may

be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

121.—(1) If the Minister of Revenue considers that, within Region-wide any class or classes of real property within the Regional Area, update any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.
- (2) If the assessment roll of an area municipality for taxa- Application tion in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

assessment

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the Assessment Act up to R.S.O. 1980,

the date when the assessment roll is returned in each such following year.

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

Status of assessment roll

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the Assessment Act.

R.S.O. 1980, c. 31 Mandatory return of

updated roll

every fourth year (5) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Resolution required

(6) The Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council by resolution has requested that a direction be made, but a resolution is not required where a direction of the Minister of Revenue is made as required under subsection (5).

Provisions of R.S.O. 1980, c. 31 (7) Except as provided in subsections (1) and (8), the Assessment Act and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Idem

(8) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1988 and subsequent years.

Powers on appeal

(9) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

(10) Notwithstanding that a complaint, appeal, proceeding Where or action concerns an assessment made for taxation in a year described in prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property (1) shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

(11) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the Assessment Act until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

amendment to collector's R.S.O. 1980,

(12) For the purposes of subsection 24 (16a) of the Table of Assessment Act, changes made in the assessment roll of an pipe lines area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be an update of the assessment of all property within the area municipality under subsection 63 (3) of the Assessment Act.

(13) Nothing in section 118, 118a or 118b deprives any person of any right of appeal provided for in the Assessment Act or affects the operation of subsection 36 (6) of that Act.

Rights of appeal

(14) A regulation made under subsection (1) may be made Regulations retroactive to the 1st day of December of the year preceding retroactive retroactive the year in which it was made.

**122.**—(1) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 121 (1) and the changes directly affect the relative cost sharing of conservation authority responsibilities for any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations prescribing an alternative basis of apportionment to that specified under the Conservation Authorities Act.

Conservation Authority apportionments

R.S.O. 1980, c. 85

Regulation may be retroactive

- (2) A regulation made under subsection (1) may be made retroactive to a date not earlier than the 1st day of January of the year in which it was made.
- **3.** Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

Operation of regional library service

- (5) The operation of the regional library service shall be limited to the township area municipalities.
- 4. Section 169 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 49, section 29, is repealed and the following substituted therefor:

Definition

**169.**—(1) In this Part, "waste" means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council.

Disposal of waste (2) The Regional Corporation shall provide facilities for the purposes of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities.

Designation of facilities

(3) The Regional Council shall, for each area municipality, designate one or more facilities for the receiving, dumping and disposing of waste or any class or classes thereof and, where such a designation has been made, an area municipality shall not utilize any facilities except the facilities that have been so designated for that area municipality.

Consent of Regional Council required R.S.O. 1980, c. 303 (4) No facilities for the receiving, dumping and disposing of waste shall be provided in the Regional Area by any person or by any municipality, as defined in the *Municipal Affairs Act*, or by any other regional municipality or by a metropolitan or district municipality or by the County of Oxford or by a local board of a regional, district or metropolitan municipality or of the County of Oxford without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

Where consent refused

(5) Where the Regional Council refuses its consent under subsection (4) or the applicant and the Regional Council fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter, and may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

(6) For the purposes of subsection (2), the Regional Cor- Powers poration may,

respecting disposal of waste

- (a) acquire and use land;
- (b) erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste;
- (c) contract with any person for such purposes;
- (d) prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land:
- (e) prescribe rates or charges for the use of waste facilities, which rates or charges may relate to the volume, weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances: and
- provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.
- (7) The Regional Corporation shall pay to the corporation Payment of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of any municipal facility for the receiving, dumping and disposing of waste assumed by the Regional Corporation.

municipality

(8) If the Regional Corporation fails to make any payment Interest required under subsection (7), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(9) For the purposes of subsection (6), paragraph 84 of Application section 210 of the Municipal Act applies with necessary modifications.

of certain provisions of R.S.O. 1980, c. 302

(10) A by-law passed under paragraph 129 of section 210 of Nonthe Municipal Act does not apply to the Regional Corporation.

applicability of certain by-laws

(11) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by

Restrictions respecting the hauling of wastes

vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Idem

(12) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Conversion of waste

- (13) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of recovering, manufacturing, producing, supplying, selling or distributing from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,
  - (a) enter into agreements with any person;
  - (b) carry on investigations, experiments, research or development;
  - (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or any other land with the consent of the owner of such land; and
  - (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

Interpretation

(14) In subsection (13), "product" includes fuel derived from waste.

Nonapplicability of R.S.O. 1980, c. 309

(15) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under subsection (13).

Collection and removal of waste in area municipality **169a.**—(1) The Regional Council may, with the consent of an area municipality, assume the responsibility for the collection and removal of waste for that area municipality or for one or more defined areas therein.

Consent required for repeal of regional by-law (2) A by-law passed by Regional Council under subsection (1) shall not be repealed without the consent of the area municipality which consented to the passing of the by-law.

(3) On and after the effective day of a by-law passed under subsection (1).

(a) the Regional Corporation shall be responsible for the collection and removal of waste in the area municipality or defined areas therein to which the by-law applies:

Regional Corporation responsible collection of waste in area municipality

- (b) for the purposes of clause (a), the Regional Corporation has all the powers conferred by any general or special Act upon the area municipality or local board thereof for the collection and removal of waste:
- no area municipality shall collect or remove waste in the area municipality or defined areas therein to which the by-law applies without the consent of the Regional Council, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon;
- all rights and obligations and all personal property of the area municipality pertaining to or exclusively used for the collection and removal of waste in the area municipality or defined areas therein to which the by-law applies are vested in the Regional Corporation without compensation;
- subsections 169 (7) and (8) apply with necessary modifications to outstanding debts in respect of the property vested in the Regional Corporation under clause (d); and
- where, prior to the effective date of the by-law, the area municipality had entered into an agreement for another municipality or person to collect and remove waste in the area municipality or defined area therein to which the by-law applies, the Regional Corporation shall be bound by the agreement, and the area municipality is relieved of all liability under the agreement.

(4) The Regional Council shall offer to employ every per-Offer of son who on the effective date of the by-law passed under subsection (1) is employed by the area municipality in the collection and removal of waste in the area municipality or defined area therein to which the by-law applies.

employment

(5) Any person who accepts employment under subsection Salary to be (4) is entitled to receive a wage or salary for the one year first year

period following such acceptance of not less than that person was receiving on the date the by-law was passed.

Application of certain provisions

(6) Subsections 24 (2), (3), (5), (10), (11) and (13) apply with necessary modifications to a person who accepts employment with the Regional Corporation under subsection (4).

Costs may be recovered from area municipality

(7) The Regional Council may by by-law provide for imposing on and collecting from an area municipality in which or in defined areas of which it collects and removes waste, a waste collection rate sufficient to pay the whole or such portion as the by-law may specify of the regional capital costs including debentures charges and expenditures for maintenance and operation of the waste collection and removal system in the area municipality and such rate may be based on the volume, weight or class of waste collected and removed or on any other basis that the by-law may specify.

Idem

(8) All rates under subsection (7) constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Payment by area municipality

- (9) The area municipality may,
  - (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;

R.S.O. 1980, c. 302

- (b) pass by-laws under paragraphs 85 and 86 of section 210 of the *Municipal Act* for imposing rates to recover the whole or part of the amount chargeable to the area municipality; and
- (c) pass by-laws for imposing rates to recover the whole or part of the amount chargeable as part of the cost of an urban service within an urban service area established in the area municipality under any general or special Act.

Recycling programs

**169b.**—(1) The Regional Corporation may establish and operate programs for the reduction, recovery, recycling and reuse of waste and the Regional Corporation may enter into agreements with one or more area municipalities to provide for the joint management and operation of the programs upon such terms and conditions as may be agreed upon.

Agreements

(2) An agreement under subsection (1) may provide that the Regional Corporation shall be responsible for the collection and marketing of waste separated by the public at source for recycling or reuse.

### 5. The said Act is amended by adding thereto the following section:

**178.**—(1) In this section,

Definitions

"development" means development as defined in subsection 40 (1) of the *Planning Act*, 1983;

1983, c. 1

- "industrial development charge" means a uniform charge per hectare based on the total area of the land and all or any part of the net cost of providing the services:
- "land" means the land described in the Schedule to subsection (2):
- "net cost of providing the services" means the total cost to the Regional Corporation of providing the services after deducting all grants, subsidies or payments and any other moneys from any source which have been or will be received in respect of or applied against the cost of providing the services:
- "services" means the undertakings and works prescribed by the Minister.
- (2) The Regional Corporation may, in respect of any com- Industrial mercial or industrial development on all or any portion of the land described in the following Schedule, impose on and collect from the registered owners of all or any portion of the land being so developed an industrial development charge to defray all or any part of the net cost of providing the services:

#### SCHEDULE

The land located in the following areas:

1. The portion of the City of Cambridge described as follows:

Beginning at the intersection of the northwesterly limit of the King's Highway No. 401 and the northeasterly limit of the right of way of the Grand River Railway;

Thence northwesterly along the Grand River Railway to a westerly boundary of the City of Cambridge;

Thence southerly along the said westerly boundary to the northerly limit of the King's Highway No. 401;

Thence easterly along the northerly limit of the said Highway to the place of beginning.

2. The portion of the City of Kitchener described as follows:

Beginning at the intersection of the easterly boundary of the City of Kitchener and the northerly limit of the King's Highway No. 401;

Thence westerly along the northerly limit of the King's Highway No. 401 to the northeasterly limit of the King's Highway No. 8 (Old);

Thence northwesterly along the said northeasterly limit to the south-westerly limit of the King's Highway No. 8 (New);

Thence southeasterly along the southwesterly limit of the said King's Highway No. 8 (New) to the easterly boundary of the City of Kitchener;

Thence southerly along the said easterly boundary to the place of beginning.

Charge constitutes debt of registered owner (3) An industrial development charge imposed under subsection (2) constitutes a debt of the registered owner to the Regional Corporation and may be recovered in a court of competent jurisdiction.

Payment of charge necessary before building permit issued (4) An industrial development charge imposed under subsection (2) shall be paid before the issuance of any building permit required for the development.

Deeming provision R.S.O. 1980, c. 51

(5) Subsection (4) shall be deemed to be "applicable law" for the purposes of clause 6 (1) (a) of the *Building Code Act*.

Disputes referred to Municipal Board (6) If the registered owner of the land upon which an industrial development charge has been imposed under subsection (2) disputes the amount of the charge, the registered owner, at any time prior to paying the charge to the Regional Corporation, may apply to the Municipal Board by written notice to the secretary of the Board and to the Regional Corporation, and the Board shall hear and determine the matter.

Reduction of industrial development charge 1983, c. 1 (7) Subject to subsection (8), the amount of any development or lot charge imposed on the land by the Regional Corporation under section 50 of the *Planning Act*, 1983 shall be reduced by the amount of the industrial development charge imposed and collected on the same land under this section.

Idem

(8) The amount of the reduction in the charge imposed under section 50 of the *Planning Act*, 1983 arising out of the imposition of the industrial development charge shall not exceed the amount of the charge imposed under section 50 of the *Planning Act*, 1983.

Order of Minister (9) The Minister may by order prescribe the undertakings and works to which this section applies.

(10) The services shall be deemed to be provided to and Deeming utilized by any commercial or industrial development of all or any portion of the land.

6. Nothing in this Act affects the validity of an interim levy Transition made by the Regional Council or by the council of an area municipality under section 120 of the Regional Municipality of R.S.O. 1980, Waterloo Act as it existed before the coming into force of this Act, and subsections 118 (9), (10) and (11) and subsection 118c (2) of that Act, as enacted by this Act, apply with necessary modifications to the interim levy made by the Regional Council in 1988 and subsections 118d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to an interim levy made by an area municipality in 1988.

7. Notwithstanding subsection 164 (2) of the Municipal Act or subsection 216 (2) of the Education Act, where the amount levied by an area municipality for regional purposes or school purposes in 1987 differs from the sum the area municipality ought to have levied for regional purposes or school purposes, the area municipality shall debit or credit such deficit or surplus, as applicable, to the general funds of the municipality and not revise the rates to be levied for such body in 1988.

Transition R.S.O. 1980, cc. 302, 129

- 8.—(1) Subsection 130 (10) of the Education Act, being chapter 129 of the Revised Statutes of Ontario, 1980, as reenacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:
- (10) This section does not apply to The Haldimand-Norfolk Non-Roman Catholic Separate School Board, The Sudbury District Roman Catholic Separate School Board, The Waterloo County Roman Catholic Separate School Board or to a separate school board having jurisdiction wholly or partly in a county where an assessment update has been carried out under subsection 368b (2) of the Municipal Act.

application

R.S.O. 1980,

- (2) Subsection 214 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:
- (6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury, The Regional Municipality of Waterloo or to a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the Municipal Act.

application

R.S.O. 1980. c. 302

1988

(3) Clause 214b (2) (b) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed

and the following substituted therefor:

- (b) The Regional Municipality of Haldimand-Norfolk or The Regional Municipality of Waterloo.
- (4) Subsection 222 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

Nonapplication (4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Sudbury, The Regional Municipality of Waterloo or a local municipality in a county where an assessment update has been carried out under subsection 368b (2) of the *Municipal Act*.

R.S.O. 1980, c. 302

(5) Section 225 of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 17, section 3, is repealed and the following substituted therefor:

Conflict

- R.S.O. 1980, cc. 435, 441, 442, 302
- **225.** In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Haldimand-Norfolk Act*, the *Regional Municipality of Sudbury Act*, the *Regional Municipality of Waterloo Act* and section 368d of the *Municipal Act*, the provisions in sections 220 to 224 prevail.

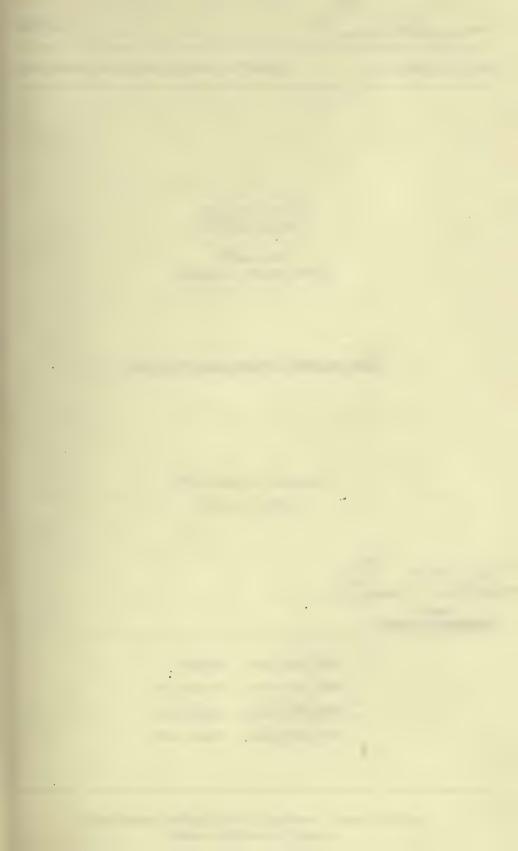
Commencement 9.—(1) This Act, except sections 4 and 5, shall be deemed to have come into force on the 1st day of January, 1988.

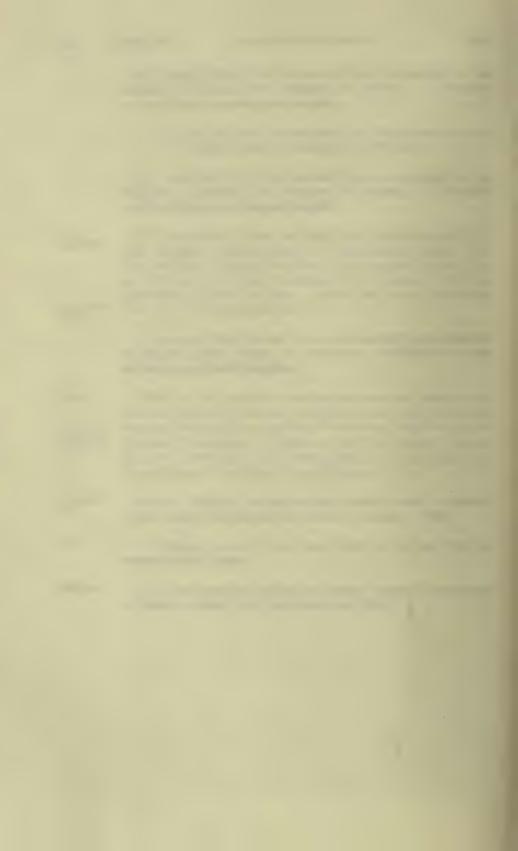
Idem

(2) Sections 4 and 5 come into force on the day this Act receives Royal Assent.

Short title

10. The short title of this Act is the Regional Municipality of Waterloo Statute Law Amendment Act, 1988.





1st SESSION, 34th LEGISLATURE, ONTARIO

f-4Cyo

37 ELIZABETH II, 1988

Bill 132

(Chapter 48 Statutes of Ontario, 1988)

An Act to amend the Mining Act

The Hon. S. Conway

Minister of Mines

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 10th, 1988
2nd Reading June 27th, 1988
3rd Reading June 29th, 1988
Royal Assent June 29th, 1988



Bill 132 1988

### An Act to amend the Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- **59a.**—(1) A recorder may, by order, relieve an unpatented mining claim that is subject to forfeiture as a result of an administrative error from the forfeiture.
- (2) If any part of a claim referred to in subsection (1) has been staked by another staker, the recorder shall refer the matter to the Commissioner.
- (3) On a reference under subsection (2), the Commissioner or may make such order, subject to such conditions, as the Commissioner considers appropriate.
- (4) An order under subsection (1) or (3) may grant an extension of time for performing and reporting any work required to be performed in respect of the claim or provide for the payment of any fees in respect of the claim, or both.

**2.** Subsection 190 (1) of the said Act is amended by adding thereto the following clause:

- (d) prescribing classes of instruments and documents that may be filed through transmission by electronic means.
- 3. Subsection 212 (1) of the said Act is amended by striking out "registered" in the sixth line and inserting in lieu thereof "certified".

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Mining Amendment Act, 1988.

Par 4. Cyo

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# **Bill 133**

(Chapter 49 Statutes of Ontario, 1988)

# An Act to amend the Gasoline Handling Act

The Hon. W. Wrye

Minister of Consumer and Commercial Relations

CLERK CLERK

CLERK

LEGISLATIVE ASSEMBLY

1st Reading May 17th, 1988
2nd Reading June 21st, 1988
3rd Reading June 29th, 1988
Royal Assent June 29th, 1988



Bill 133

## An Act to amend the Gasoline Handling Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 1 (c) of the Gasoline Handling Act, being chapter 185 of the Revised Statutes of Ontario, 1980, is repealed.
- (2) Section 1 of the said Act is amended by adding thereto the following clauses:
  - (la) "private outlet" means any premises at which gasoline or an associated product of the operator of the outlet is put into the fuel tanks of motor vehicles used by the operator of the outlet or into portable containers used by the operator of the outlet;
  - (ma) "retail outlet" means any premises at which gasoline or an associated product is sold and is put into the fuel tanks of motor vehicles or into portable containers.
  - (3) Clause 1 (n) of the said Act is repealed.
- 2. Clause 2 (c) of the said Act is amended by striking out "service station, consumer outlet" in the first line and inserting in lieu thereof "private outlet, retail outlet".
- 3. Section 3 of the said Act is amended by striking out "service station, consumer outlet" in the first line and inserting in lieu thereof "private outlet, retail outlet".
- **4.**—(1) Clause 6 (1) (a) of the said Act is amended by striking out "service station" and inserting in lieu thereof "retail outlet".

- (2) Subsection 6 (2) of the said Act is amended by striking out "consumer outlet" in the second line and inserting in lieu thereof "private outlet" and by striking out "service station" in the second and third lines and inserting in lieu thereof "retail outlet".
- 5. The said Act is amended by adding thereto the following section:

Application at private outlets only

**6a.**—(1) The application of this section is limited to underground tanks located at private outlets or at sites that were private outlets.

Declaration

(2) Any owner of an underground tank that is being used for the storage of gasoline or an associated product or, if the owner is not the operator of the outlet, the operator of the outlet using the tank may file with the Director a declaration relating to the tank and evidence that the tank and associated piping are protected from external corrosion in accordance with the regulations.

Idem

(3) The declaration referred to in subsection (2) must be on a form provided by the Director.

Acknowledgment (4) The Director, upon receiving material under subsection (2), shall send an acknowledgment thereof to the person who sent it.

Idem

- (5) No person, after the 1st day of January, 1991 or such later date as may be prescribed by regulation, shall,
  - (a) use an underground tank or cause an underground tank to be used unless receipt of material relating to the tank has been acknowledged by the Director; or
  - (b) put gasoline or an associated product into an underground tank unless receipt of material relating to the tank has been acknowledged by the Director.

Supplying gasoline to underground tanks

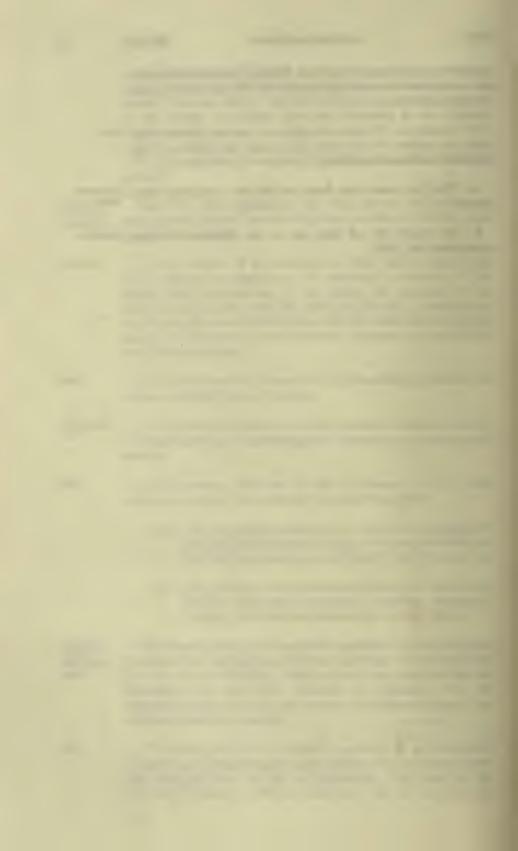
(6) Every person who supplied gasoline or an associated product to an underground tank at any time in 1987 shall, by the 31st day of October, 1988 or such later date as may be prescribed by regulation, provide the Director with the address of the outlet and the name and address of the person who purchased the product.

Idem

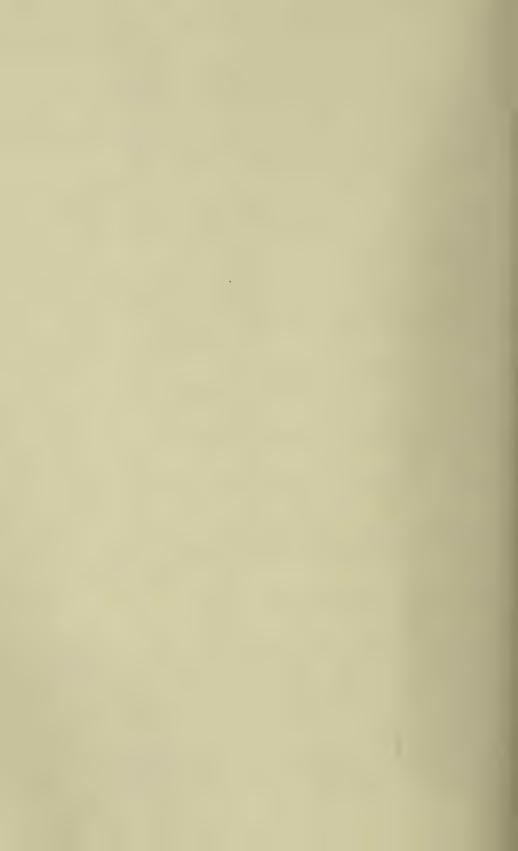
(7) Every person who supplies gasoline or an associated product to an underground tank between the 1st day of January, 1988 and the 30th day of September, 1988 shall, by the 1st day of January, 1989 or such later date as may be pre-

scribed by regulation, provide the Director with the address of the outlet and the name and address of the person who purchased the product.

- (8) Subsection (7) does not apply to a person who has supplied the address of the outlet and name and address of the purchaser under subsection (6).
- 6. This Act comes into force on the day it receives Royal Commence-Assent.
- 7. The short title of this Act is the Gasoline Handling Short title Amendment Act, 1988.







(Chapter 6 Statutes of Ontario, 1989)

# An Act to repeal certain Private Acts related to Municipalities

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK LEGISLATIVE ASSEMBLY

1st Reading May 18th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



### An Act to repeal certain Private Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Acts listed in the Schedule hereto are hereby Repeal repealed.
- 2. A municipality incorporated by an Act listed in the Status not Schedule and that was in existence immediately prior to the coming into force of this Act shall be deemed to be continued with the same status as it had immediately prior to the coming into force of this Act.

affected

3. Nothing in this Act affects the boundaries of any munic-Boundaries ipality as those boundaries existed immediately prior to the coming into force of this Act.

- 4. This Act comes into force on the day it receives Royal Commence-Assent.
- 5. The short title of this Act is the Municipal Private Acts Short title Repeal Act, 1989.

### SCHEDULE

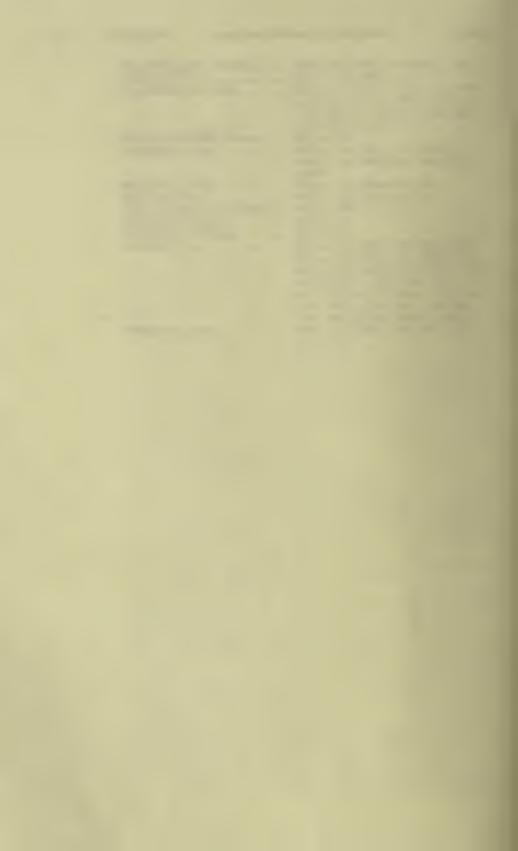
#### ACTS REPEALED

Municipality	Year and Chapter
ALFRED, Township	1926, c. 74; 1959, c. 109
BLOOMFIELD, Village	1923, c. 58
CHATHAM AND NORTH	
GORE, Township	1907, c. 92
CHELMSFORD, Town	1940, c. 39; 1956, c. 101, c. 102
CHESLEY, Town	1911, c. 86; 1959, c. 113
COLEMAN, Township	1910, c. 112
DRYDEN, Town	1912, c. 93
DUNNVILLE, Town	1900, c. 66; 1913, c. 95; 1914, c. 68;
	1920, c. 118; 1927, c. 106
EAST WINDSOR, City	1930, c. 74; 1931, c. 92; 1932, c. 98
ERAMOSA, Township	1962-63, c. 160
ESSEX, County	1924, c. 94
EXETER, Town	1893, c. 62; 1978, c. 117
FORD CITY, Town	1924, c. 96
GALT, Town	1889, c. 60
GRANTHAM, Township	1926, c. 83; 1957, c. 137
HALLOWELL, Township	1923, c. 58
HASTINGS, CountyHEARST, Town	1868, c. 46
HUMBERSTONE, Township	1961-62, c. 153 1908, c. 85; 1912, c. 102
KINGSTON, Township	1908, c. 83, 1912, c. 102 1949, c. 128; 1960, c. 148
LAMBTON, County	1875-76, c. 60; 1906, c. 131
LANARK, County	1903, c. 60; 1913, c. 101
LAXTON, DIGBY AND	1700, 0. 00, 1710, 0. 101
LONGFORD, Townships	1889, c. 64
MATCHEDASH, Township	1910, c. 151
McGILLIVRAY, Township	1870-71, c. 65
METHUEN, Township	1946, c. 101
MIDLAND, Town	1898, c. 47; 1899, c. 61; 1901, c. 60;
	1903, c. 65, c. 66; 1905, c. 58; 1908,
	c. 94; 1909, c. 112; 1913, c. 105; 1914,
	c. 75; 1917, c. 76; 1921, c. 110; 1923,
	c. 73
MILTON, Town	1891, c. 74; 1900, c. 78; 1912, c. 108
NEW LISKEARD, Town	1911, c. 96; 1930, c. 87
NORTHUMBERLAND AND	
DURHAM, Counties	1875-76, c. 54; 1905, c. 62; 1906, c. 84;
	1908, c. 100; 1962-63, c. 176
OIL SPRINGS, Village	
ORANGEVILLE, Town	
ODILLIA O'A	1919, c. 99; 1920, c. 130
ORILLIA, City	1871-72, c. 66

OTTAWA, City	1889, c. 67; 1890, c. 96, c. 97; 1891,
, , , , , , , , , , , , , , , , , , , ,	c. 77; 1893, c. 74, c. 75, c. 76; 1896,
	c. 87; 1897, c. 72; 1899, c. 66; 1900,
	c. 80, c. 81, c. 82, c. 83; 1901, c. 62;
	1905, c. 65; 1906, c. 87; 1907, c. 79;
	1912, c. 114; 1914, c. 82, c. 83; 1917,
	c. 79; 1918, c. 72; 1919, c. 102; 1921,
	c. 115; 1922, c. 123; 1923, c. 77; 1925,
	c. 98; 1926, c. 89; 1927, c. 119, c. 120;
	1928, c. 74; 1931, c. 116; 1932, c. 81;
	1933, c. 90; 1934, c. 89; 1935, c. 91;
	1936, c. 78; 1937, c. 96; 1946, c. 133;
	1948, c. 117; 1953, c. 122; 1954, c. 120;
	1956, c. 112; 1961-62, c. 160
PEEL, County	1941, c. 69
PEMBROKE, Town	1913, c. 112; 1914, c. 86; 1921, c. 116;
	1924, c. 115; 1957, c. 151
PENETANGUISHENE, Town	1897, c. 73; 1910, c. 122; 1917, c. 82;
	1923, c. 78; 1931, c. 117
PETROLIA, Town	1899, c. 72; 1901, c. 64; 1903, c. 75;
	1905, c. 68; 1906, c. 89; 1917, c. 84;
	1923, c. 79; 1943, c. 45
PORT COLBORNE, City	1907, c. 84; 1913, c. 116; 1921, c. 120;
	1923, c. 82; 1953, c. 127
PORT McNICOLL, Village	1919, c. 108
PUSLINCH, Township	1974, c. 167
RALEIGH AND HARWICH,	17/4, 6. 10/
	1060 0 164
Townships	1960, c. 164
RICHMOND HILL, Town	1931, c. 114; 1960-61, c. 131
RIVERSIDE, Town	1928, c. 77; 1931, c. 120; 1932, c. 85;
CANDINICH T	1948, c. 121; 1955, c. 110
SANDWICH, Town	1913, c. 120; 1916, c. 90; 1918, c. 78;
	1924, c. 121; 1927, c. 124; 1928, c. 78,
	c. 79; 1929, c. 119; 1930, c. 95; 1931,
	c. 122; 1933, c. 72, c. 97
SANDWICH EAST, Town	1928, c. 80
SANDWICH SOUTH, Township	1920, c. 139
SANDWICH WEST, Township	1920, c. 140
SARNIA, City	1915, c. 70; 1916, c. 91; 1926, c. 92;
	1927, c. 126; 1929, c. 120; 1930, c. 97;
	1932, c. 88; 1937, c. 101; 1947, c. 139;
	1972, c. 191
SAULT STE. MARIE, City	1877, c. 32; 1890, c. 135; 1894, c. 80;
	1895, c. 119; 1903, c. 81; 1907, c. 89;
	1908, c. 108; 1909, c. 121; 1912, c. 122;
	1914, c. 94, c. 95; 1915, c. 71; 1916,
	c. 92; 1918, c. 80; 1919, c. 105; 1920,
	c. 137; 1921, c. 123; 1922, c. 126; 1923,
	c. 87; 1924, c. 122; 1925, c. 104; 1926,
	c. 93; 1930, c. 98; 1958, c. 152; 1959,
	c. 133
ST. CATHARINES, City	1880, c. 45; 1895, c. 78, c. 79; 1900,
or ordinance, on	c. 93; 1901, c. 98; 1905, c. 71, c. 72,
	c. 73, c. 74; 1906, c. 94; 1907, c. 86;
	1909, c. 119; 1910, c. 126, c. 127,
	c. 128; 1911, c. 110, c. 111; 1915, c. 69;
	1916, c. 89; 1917, c. 89; 1919, c. 104;
	1920, c. 136; 1922, c. 128; 1923, c. 85;
TECV Township	1932, c. 87; 1924, c. 118
TECK, Township	1927, c. 128; 1958, c. 158
THOROLD, Township	1927, c. 130; 1946, c. 140

TILBURY EAST, Township	1893, c. 83; 1905, c. 81; 1912, c. 125
TILBURY, Town	1890, c. 103; 1931, c. 129
WALKERVILLE, Town	1916, c. 97; 1919, c. 112, c. 113; 1920,
	c. 146; 1925, c. 114; 1926, c. 103; 1928,
	c. 90; 1930, c. 107; 1932, c. 98; 1933,
	c. 107; 1934, c. 100
WASAGA BEACH, Village	1971, c. 132
WATERLOO, City	1914, c. 104; 1917, c. 96; 1939, c. 77;
	1958, c. 163; 1962-63, c. 196; 1972,
	c. 203
WELLAND, County	1968, c. 182; 1968-69, c. 170
WELLAND, City	1918, c. 56; 1953, c. 134
WEST LORNE, Police Village	1906, c. 104
WESTPORT, Village	1906, c. 68
WINCHESTER, Village	1899, c. 89
WINDSOR, City	1897, c. 83; 1900, c. 108; 1901, c. 99;
	1904, c. 74; 1905, c. 111; 1907, c. 97;
	1908, c. 120; 1910, c. 136; 1914, c. 110,
	c. 112; 1920, c. 147, c. 148; 1921,
	c. 127; 1923, c. 97; 1925, c. 117; 1928,
	c. 93; 1929, c. 126; 1932, c. 95; 1935,
	c. 98; 1951, c. 120; 1962-63, c. 197
WINGHAM, Town	1888, c. 64; 1896, c. 100; 1915, c. 79;
	1928, c. 94





1ST SESSION, 34TH LEGISLATURE, ONTARIO

27 ELIZABETH II, 1988

## Bill 135

(Chapter 7 Statutes of Ontario, 1989)

### An Act to amend the Road Access Act

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK LEGISLATIVE ASSEMBLY

1st Reading May 18th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill 135 1988

### An Act to amend the Road Access Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of the *Road Access Act*, being chapter 457 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:
  - (ca) "maintain" includes the leaving of a barrier or other obstacle on an access road or common road.
- 2.—(1) Subsection 2 (1) of the said Act is amended by striking out "or place" in the first line and inserting in lieu thereof "place or maintain".
- (2) Subsection 2 (2) of the said Act is amended by striking out "or place" in the first line and inserting in lieu thereof "place or maintain".
- 3. This Act comes into force on the day it receives Royal Commencement Assent.
- 4. The short title of this Act is the Road Access Amendment Short title Act. 1989.



1ST SESSION, 34TH LEGISLATURE, ONTARIO

Par in Cyn

37 ELIZABETH II, 1988

Bill 137

(Chapter 50 Statutes of Ontario, 1988)

### An Act to amend the Public Lands Act

The Hon. V. Kerrio

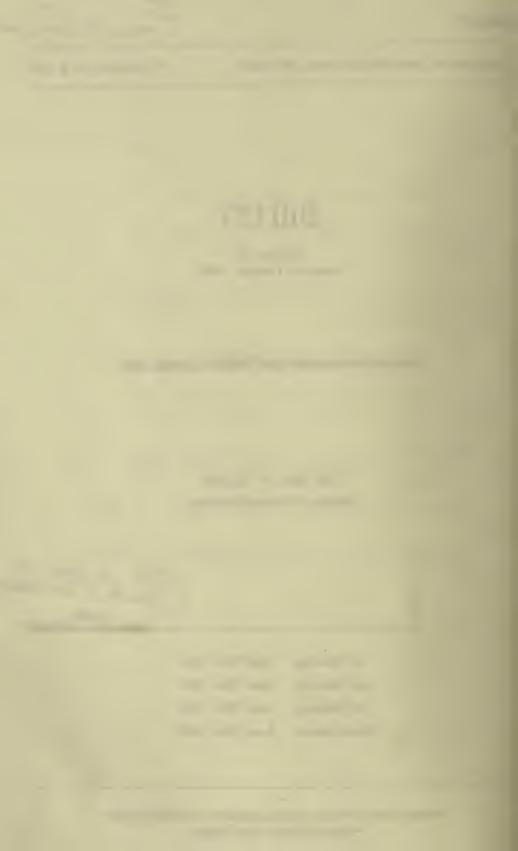
Minister of Natural Resources

Quedet ThRose

1st Reading May 19th, 1988

2nd Reading June 27th, 1988 3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to amend the Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 5 of the Public Lands Act, being chapter 413 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- 5.—(1) The Minister may appoint such officers to carry Appointment of officers out and enforce this Act and the regulations as the Minister considers necessary.
- (2) Subject to subsection (4), an officer appointed under Entry upon subsection (1) and any person accompanying that officer and acting under the officer's instructions may, at all reasonable times and upon producing proper identification, enter and inspect any private land for the purposes of this Act.

private land

(3) An officer appointed under section 4 of the Forest Fires Officer Prevention Act shall be deemed to be an officer appointed under subsection (1).

appointed under R.S.O. 1980,

Search warrant

(4) An officer or any person accompanying the officer and acting under the officer's instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier, except under the authority of a search warrant issued under section 142 of the Provincial Offences Act.

R.S.O. 1980.

- 2.—(1) Subsection 13 (3) of the said Act is amended by striking out "\$500" in the eighth line and inserting in lieu thereof "\$5,000".
- (2) Section 13 of the said Act is amended by adding thereto the following subsections:
- (3a) An officer who finds a building or structure being Per diem erected or an improvement being made without the authority of a permit may order that work on the building, structure or improvement cease until a permit is obtained and any person

continuing the work or causing the work to be continued in contravention of the order is guilty of an offence and on conviction is, in addition to any fine that may be imposed under subsection (3), liable to a fine of not less than \$200 for each day the work is continued in contravention of the order.

Order to dismantle and remove building, etc. (3b) Upon conviction of any person of an offence under this section, the court, in addition to the imposition of a fine, may order that person to dismantle and remove any building or structure erected or improvement made in contravention of this section within such time as the court orders and, if the person convicted fails to comply with the order, the Minister may cause the building, structure or improvement to be dismantled and removed and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person convicted.

## 3. The said Act is amended by adding thereto the following section:

Work permit for work on public lands **13a.**—(1) Except in accordance with a work permit, no person shall,

- (a) carry on or cause to be carried on any logging, mineral exploration or industrial operation on public lands;
- (b) construct or place or cause to be constructed or placed any building, structure or thing on public lands;
- (c) clear any public lands or cause any public lands to be cleared;
- (d) dredge any shore lands or cause any shore lands to be dredged; or
- (e) fill any shore lands or cause any shore lands to be filled.

Conditions attaching

(2) Every work permit is subject to the conditions set out therein.

Regulations

- (3) The Lieutenant Governor in Council may make regulations.
  - (a) governing the issuing, renewing and cancelling of work permits;

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- (b) governing appeals from a refusal to issue or renew a permit, from a cancellation thereof or in respect of any conditions attaching to a work permit;
- (c) prescribing grounds for refusing to issue or to renew work permits:
- (d) prescribing conditions attaching to work permits and to any exemption from subsection (1);
- prescribing fees payable for work permits or any classes thereof:
- defining "shore lands" for the purpose of clauses (1) (d) and (e); and
- (g) exempting any person or class of person from any provision of subsection (1).
- (4) Any regulation may be general or particular in its appli- Idem cation.
- (5) An officer who finds that there is a contravention of Per diem subsection (1) may order that the activity constituting the contravention cease until a work permit authorizing the activity has been obtained and any person continuing the activity or causing the activity to be continued after the order has been made is guilty of an offence and on conviction is, in addition to any fine that may be imposed under subsection (6), liable to a fine of not less than \$200 for each day the activity is continued in contravention of the order.

(6) Every person who contravenes any provision of sub-Offence section (1) or of a regulation made under subsection (3) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

(7) Upon conviction of a person of an offence under this Order to section, the court, in addition to the imposition of a fine, may and remove, order that person to,

- (a) cease all logging, mineral exploration or industrial operations carried on;
- (b) dismantle and remove any building, structure or improvement constructed or placed;
- rehabilitate, in accordance with a plan approved by the Minister, any public lands cleared;

- (d) replace dredged material removed; or
- (e) remove any fill placed,

in contravention of subsection (1), within such time as the court orders and, if the person convicted fails to comply with the order, the Minister may cause to be done anything that the person convicted was ordered to do and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person convicted.

## 4. Section 16 of the said Act is repealed and the following substituted therefor:

Quit claim letters patent

R.S.O. 1980,

c. 240

16.—(1) Where the Minister is satisfied that the right to bring an action on behalf of Her Majesty against a person for the recovery of land is barred by subsection 3 (1) of the Limitations Act, the Minister may direct the issue of quit claim letters patent in respect of the land to that person or to that person's predecessor in possession if the right of recovery was barred against that predecessor upon such conditions as the Minister considers proper.

Retroactive

- (2) Where quit claim letters patent are issued under subsection (1) to a person's predecessor in possession, the quit claim letters patent shall specify a date during the period of time that the predecessor had possession and the quit claim letters patent shall,
  - (a) relate back to the date so specified; and
  - (b) have the same effect as if issued at the date so specified.
- 5. Section 23 of the said Act is amended by adding thereto the following subsection:

Recovery of cost and expense

- (4a) Any cost or expense incurred in the sale, disposition or destruction of a building or thing referred to in subsection (4) is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person responsible for the construction of the building or the placing of the thing on the land or, in the case of a building that is occupied, the occupier.
- 6. The said Act is further amended by adding thereto the following section:

23a. The Minister may make an order subject to such Restoration conditions as the Minister considers proper,

**PUBLIC LANDS** 

of rights in forfeited property, etc.

- (a) restoring to a person the right, title or interest in any improvement, building or thing forfeited under subsection 22 (1); or
- declaring that any improvement, building or thing on public lands possessed or occupied without lawful authority is not the property of the Crown notwithstanding subsection 23 (4).

#### 7. Section 25 of the said Act is repealed and the following substituted therefor:

25.—(1) No person shall deposit or cause to be deposited any material, substance or thing on public lands, whether or not the lands are covered with water or ice, except with the written consent of the Minister or an officer authorized by the Minister.

Unauthorized

(2) The Minister may remove any material, substance or thing deposited contrary to subsection (1), and any cost or expense incurred thereby is a debt due the Crown and may be recovered by the Minister in a court of competent jurisdiction in an action against the person who deposited the material, substance or thing or the person who caused it to be deposited.

Removal of material, etc.

### 8. Subsections 36 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:

(2) If a Crown grant of public lands, a release under subsection 55 (5) or a grant under The Canada Company's Lands Act, 1922 is given, the Minister shall forward the instrument minerals by which the release or grant is given to the proper land registry office.

Crown grants release, grants of registered in land registry offices 1922, c. 24

(3) Upon receipt of an instrument under subsection (2), the Registration land registrar shall, without fee or other charge, register the instrument, note particulars of registration on a copy and forward the copy to the grantee at the address furnished by the Ministry.

- 9. The said Act is further amended by adding thereto the following section:
- 36a.—(1) In this section, "Crown" means Her Majesty Definition the Queen in right of Ontario as represented by the Minister.

Certificate that land is public lands (2) When the Crown becomes the registered owner of land that has been patented or otherwise disposed of or when land reverts to or vests in the Crown, the Minister may forward to the proper land registry office a certificate stating that the land is deemed to be public lands.

Registration

(3) The land registrar shall, without fee or charge, register every certificate received under subsection (2).

Effect of registration

(4) Upon registration of a certificate under subsection (3),

R.S.O. 1980, cc. 230, 445

- (a) the Land Titles Act or the Registry Act, as the case may be, ceases to apply to the land described in the certificate and the land registrar shall note that fact in the appropriate register or abstract index; and
  - (b) the land described in the certificate may be granted, sold, leased or otherwise dealt with in the same manner as other public lands.

Easements

(5) An easement that is appurtenant to or affects land described in a certificate registered under subsection (3) is not affected by registration of the certificate.

Restrictive

(6) For the purposes of this section, a restrictive covenant running with land is considered to be an easement.

Notice to adjoining land owners (7) Before registering a certificate under subsection (3), the Minister shall give any person with a registered interest in land adjoining the land described in the certificate sixty days notice of the intention to register the certificate.

Notice from adjoining land owners (8) Any person receiving a notice under subsection (7) who has acquired an interest in the land described in the certificate by possession or by making improvements may give notice of the interest to the Minister before the certificate is filed.

Amending certificate

- (9) If the Minister is satisfied that land described in a certificate is subject to an interest, the Minister shall amend the certificate to reflect the interest.
- 10. Section 37 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply when a purchase is made of a right, title or interest in public lands for private use at a public auction or when the purchase is made for private use and the purchaser is selected by public draw.

11. Section 43 of the said Act is repealed and the following substituted therefor:

PUBLIC LANDS

43. The Minister may enter into agreements for the sale Agreements or other disposition of land for agricultural purposes at such agricultural prices or rentals and subject to such conditions as the Minister lands may determine.

- 12. The said Act is further amended by adding thereto the following section:
- 44a. The Lieutenant Governor in Council may make Regulations regulations,
  - (a) prescribing the fee for any type of authority to use or enter upon public lands and facilities;
  - (b) regulating the use of or the kinds of activities carried on upon public lands.
- 13. Section 53 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:
- 53. If public land was, before the 29th day of March, Issue of 1961, sold or located under the authority of any Act, the Minister may direct the issue of letters patent to the purchaser or locatee or any person claiming under or through the purchaser or locatee.

letters patent

- 14. Section 55 of the said Act is amended by adding thereto the following subsection:
- (3a) Every provision contained in letters patent granting Idem public lands for a summer resort location that,
  - (a) prohibits the cutting of pine timber, except for necessary building or clearing with the written permission of the Minister, and, in default, sets out penalties and exacts prices for cut timber; or
  - (b) provides for the manner of disposal of cut timber.

is void.

15. Subsection 58 (5) of the said Act is repealed and the following substituted therefor:

Fee for certificate

- (5) An applicant for a certificate under subsection (4) shall pay the fee prescribed therefor by the regulations.
- 16. Section 63 of the said Act is repealed and the following substituted therefor:

Release of road reservations

63.—(1) If letters patent have been issued for land in respect of which there is a reservation referred to in section 62 and the Minister is of the opinion that the present and future needs of the locality as to roads are adequately provided for, the Minister shall, upon the owner of the affected land applying therefor and paying the fee prescribed therefor by the regulations, make an order releasing the land or any part thereof from the reservation.

Release of reservation

(2) When the Minister is of the opinion that a reservation in letters patent reserving a right-of-way or a right of access to the shores of rivers, streams and lakes for vessels, boats and persons does not serve a useful purpose and is not required in the public interest and the owner of the land affected applies for a release from the reservation and pays the fee prescribed therefor by the regulations, the Minister shall make an order releasing the land or any part thereof from the reservation.

Power to determine reservation (3) In respect of letters patent reserving or excepting a right-of-way or an allowance along the shore of a lake or river, the Minister may treat the reservation or exception as a reservation referred to in subsection (1) or (2) and issue the order under subsection (1) or (2).

Effect of order

- (4) An order made under this section releases the land described in the order from the reservation referred to in the order and may be registered in the proper land registry office.
- 17. Subsection 66 (2) of the said Act is repealed and the following substituted therefor:

Fee for certificate

- (2) An applicant for a certificate under subsection (1) shall pay the fee prescribed therefor by the regulations.
- 18. Section 67 of the said Act is repealed and the following substituted therefor:

Penalty not otherwise provided for

**67.** Except where otherwise provided, every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

- 19. This Act comes into force on the day it receives Royal Commencement
- 20. The short title of this Act is the Public Lands Short title Amendment Act, 1988.



Projet de loi 138

1<sup>re</sup> SESSION, 34° LÉGISLATURE, ONTARIO 37 ELIZABETH II, 1988

# **Bill 138**

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

(Chapter 51 Statutes of Ontario, 1988)

An Act to revise the **Weed Control** Act

The Hon. J. Riddell Minister of Agriculture and Food

# Projet de loi 138

(Chapitre 51 Lois de l'Ontario de 1988)

Loi portant révision de la Loi sur la destruction des mauvaises herbes

> L'honorable J. Riddell ministre de l'Agriculture et de l'Alimentation

> > CLERK

LEGISLATIVE ASSEMBLY

1st Reading May 25th, 1988 2nd Reading June 22nd, 1988

3rd Reading June 29th, 1988 Royal Assent June 29th, 1988 2º lecture

22 juin 1988

25 mai 1988

3º lecture 29 juin 1988 sanction royale

1re lecture

29 juin 1988

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1988

### An Act to revise the Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions** 

#### 1. In this Act,

"inspecteur de secteur des mauvaises herbes" "area weed inspector" means an area weed inspector appointed under section 6;

"inspecteur en chef" "chief inspector" means the chief inspector appointed under section 2;

"inspecteur de district des mauvaises herbes" "district weed inspector" means a district weed inspector appointed under section 2;

"inspecteur"

"inspector" means an area weed inspector, district weed inspector or municipal weed inspector;

"mauvaise herbe locale" "local weed" means a plant designated under section 10 as a local weed;

"ministre"

"Minister" means the Minister of Agriculture and Food;

"inspecteur municipal des mauvaises herbes" "municipal weed inspector" means a municipal weed inspector appointed under section 8;

"mauvaise herbe nuisible" "noxious weed" means a plant that is deemed to be a noxious weed under subsection 10 (2) or designated as a noxious weed under clause 24 (a);

"propriétaire" "owner" means the person shown as the owner of land on the last revised assessment roll of the municipality in which the land is located;

"prescrit"

"prescribed" means prescribed by the regulations;

### Projet de loi 138

1988

### Loi portant révision de la Loi sur la destruction des mauvaises herbes

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

Définitions 1 Les définitions qui suivent s'appliquent à la présente loi.

«graine de mauvaise herbe» Graine d'une mauvaise herbe «weed seed» nuisible.

«inspector» «inspecteur» Inspecteur de secteur des mauvaises herbes, inspecteur de district des mauvaises herbes ou inspecteur municipal des mauvaises herbes.

«district weed «inspecteur de district des mauvaises herbes» Inspecteur de inspector» district des mauvaises herbes nommé en vertu de l'article 2.

«area weed «inspecteur de secteur des mauvaises herbes» Inspecteur de inspector»

secteur des mauvaises herbes nommé en vertu de l'article 6. «inspecteur en chef» L'inspecteur en chef nommé en vertu de «chief

l'article 2. «inspecteur municipal des mauvaises herbes» Inspecteur muni-«municipal

cipal des mauvaises herbes nommé en vertu de l'article 8.

inspector» «local weed» «mauvaise herbe locale» Plante désignée comme mauvaise

herbe locale en vertu de l'article 10. «noxious

«mauvaise herbe nuisible» Plante réputée une mauvaise herbe weed nuisible en vertu du paragraphe 10 (2) ou désignée comme telle en vertu de l'alinéa 24 a).

«ministre» Le ministre de l'Agriculture et de l'Alimentation.

«prescrit» Prescrit par les règlements.

«propriétaire» La personne figurant comme propriétaire d'un «owner» terrain au dernier rôle d'évaluation révisé de la municipalité où le terrain est situé.

«prescribed»

«Minister»

inspector»

"regulations" means the regulations made under this Act;

"graine de mauvaise herbe" "weed seed" means the seed of a noxious weed.

Chief inspector, district weed inspector 2. The Minister may appoint a chief inspector and a district weed inspector for any district designated in the appointment.

Duty to destroy noxious weeds 3. Every person in possession of land shall destroy all noxious weeds on it.

Persons deemed in possession 4. For the purposes of this Act, the owner of land shall be deemed, unless the contrary is proved, to be the person in possession of it.

Road authorities deemed in possession of roads R.S.O. 1980, c. 421 5. For the purposes of section 3, every road authority within the meaning of the *Public Transportation and Highway Improvement Act* shall be deemed to be the person in possession of the land under its jurisdiction.

Appointment of inspectors

**6.**—(1) The council of every county, district municipality and regional municipality shall by by-law appoint one or more persons as area weed inspectors to enforce this Act in the area within the council's jurisdiction and fix their remuneration or other compensation.

Division into areas

(2) The council may divide the county, district municipality or regional municipality into areas and appoint one or more area weed inspectors for each area.

Failure to appoint inspectors

(3) If a council fails to appoint an area weed inspector, the Minister may appoint the area weed inspector and fix his or her remuneration or other compensation.

Minister to notify council of appointment (4) The Minister shall notify the council of the appointment in writing and the treasurer of the municipality shall pay the remuneration or other compensation so fixed to the area weed inspector.

Clerk to notify chief inspector of appointment 7.—(1) The clerk of each county, district municipality and regional municipality shall, before the 1st day of April in each year, give the chief inspector a written notice indicating the name and address of every area weed inspector and the area for which the appointment is made.

Idem

(2) If the council of a county, district municipality or regional municipality passes a by-law appointing an area weed

5

«règlements» Les règlements pris en application de la présente «regulations»

2 Le ministre peut nommer un inspecteur en chef et un Inspecteur en inspecteur de district des mauvaises herbes pour tout district désigné dans la nomination.

chef et inspecteur de district des manyaises herbes

3 La personne en possession d'un terrain détruit toutes les mauvaises herbes nuisibles qui s'y trouvent.

Obligation de détruire les manyaises herhes nuisibles

4 Pour l'application de la présente loi, le propriétaire d'un terrain est la personne réputée en possession du terrain, sauf preuve du contraire.

Personne réputée en possession du terrain

5 Pour l'application de l'article 3, les offices de la voirie. au sens de la Loi sur l'aménagement des routes et des transports en commun, sont réputés les personnes en possession des terrains relevant de leur compétence.

Les offices de la voirie réputés en possession de routes L.R.O. 1980, chap. 421

6 (1) Le conseil de chaque comté, municipalité de district et municipalité régionale nomme, par voie de règlement municipal, un ou plusieurs inspecteurs de secteur des mauvaises herbes chargés de l'exécution de la présente loi dans le territoire qui relève de la compétence du conseil et fixe leur rémunération ou autre rétribution.

Nomination d'inspecteurs

(2) Le conseil peut diviser le comté, la municipalité de district ou la municipalité régionale en secteurs et nommer un ou plusieurs inspecteurs de secteur des mauvaises herbes pour chaque secteur.

Division en secteurs

(3) Si le conseil ne nomme pas d'inspecteur de secteur des mauvaises herbes, le ministre peut nommer cet inspecteur et fixer sa rémunération ou autre rétribution.

Nomination d'inspecteurs ministre

(4) Le ministre signifie par écrit cette nomination au conseil, et le trésorier de la municipalité verse à l'inspecteur de secteur des mauvaises herbes la rémunération ou autre rétribution ainsi fixée.

Signification de la nomination au conseil

(1) Le secrétaire du comté, de la municipalité de district Le secrétaire ou de la municipalité régionale donne à l'inspecteur en chef, avant le 1er avril de chaque année, un avis écrit indiquant le tions à l'insnom et l'adresse de chaque inspecteur de secteur des mauvaises herbes et le secteur qui relève de sa compétence.

communique les nominapecteur en

(2) Si le conseil d'un comté, d'une municipalité de district Idem ou d'une municipalité régionale adopte un règlement munici-

inspector on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law give the chief inspector a written notice indicating the name and address of every area weed inspector and the area for which the appointment is made.

Idem

(3) If an area weed inspector resigns or the council revokes the appointment, the clerk of the municipality shall within seven days of the resignation or revocation give the chief inspector written notice of it.

Appointment of municipal weed inspectors **8.**—(1) The council of any municipality not referred to in subsection 6 (1) may by by-law appoint one or more persons as municipal weed inspectors to enforce this Act in the area within the council's jurisdiction and fix their remuneration or other compensation.

Co-operation with area weed inspector (2) Persons who are are appointed as municipal weed inspectors shall carry out their duties in co-operation with the area weed inspector.

Joint jurisdiction

(3) Even though a municipal weed inspector has been appointed by a municipality, the area weed inspector may, when he or she considers it necessary, exercise his or her powers under this Act in the municipality.

Clerk to notify chief inspector of appointment 9.—(1) The clerk of each municipality not referred to in subsection 6 (1) shall, before the 1st day of April in each year, give the chief inspector a written notice indicating the name and address of every municipal weed inspector for the area within its jurisdiction and the area for which the appointment is made.

Idem

(2) If the council of any municipality not referred to in subsection 6 (1) passes a by-law appointing a municipal weed inspector on or after the 1st day of April, the clerk shall within seven days after the passing of the by-law give the chief inspector a written notice indicating the name and address of every municipal weed inspector and the area for which the appointment is made.

Idem

(3) If a municipal weed inspector resigns or the council revokes the appointment, the clerk of the municipality shall within seven days of the resignation or revocation give the chief inspector written notice of it.

pal pour nommer un inspecteur de secteur des mauvaises herbes le 1er avril ou après cette date, le secrétaire donne à l'inspecteur en chef, dans les sept jours suivant l'adoption du règlement municipal, un avis écrit indiquant le nom et l'adresse de chaque inspecteur de secteur des mauvaises herbes et le secteur qui relève de sa compétence.

(3) Si un inspecteur de secteur des mauvaises herbes démis- Idem sionne ou que le conseil révoque sa nomination, le secrétaire de la municipalité en donne un avis écrit à l'inspecteur en chef dans les sept jours suivant la démission ou la révocation.

8 (1) Le conseil d'une municipalité non visée au paragraphe 6 (1) peut, par voie de règlement municipal, nommer un ou plusieurs inspecteurs municipaux des mauvaises herbes des mauvaises chargés de l'exécution de la présente loi dans le territoire qui relève de la compétence du conseil et fixer leur rémunération ou autre rétribution.

Nomination d'inspecteurs municipaux

(2) Quiconque est nommé inspecteur municipal des mauvaises herbes exerce ses fonctions en collaboration avec l'inspecteur de secteur des mauvaises herbes.

Collaboration l'inspecteur de secteur des mauvaises herbes

(3) Même si la municipalité a nommé un inspecteur municipal des mauvaises herbes, l'inspecteur de secteur des mauvaises herbes peut, s'il le juge nécessaire, exercer dans la municipalité les pouvoirs que lui confère la présente loi.

Compétence conjointe

9 (1) Le secrétaire de chaque municipalité non visée au paragraphe 6 (1) donne à l'inspecteur en chef, avant le 1er avril de chaque année, un avis écrit indiquant le nom et l'adresse de chaque inspecteur municipal des mauvaises herbes et le secteur qui relève de sa compétence.

Le secrétaire communique la nomination à l'inspecteur en chef

(2) Si le conseil d'une municipalité non visée au paragraphe Idem 6 (1) adopte un règlement municipal pour nommer un inspecteur municipal des mauvaises herbes le 1er avril ou après cette date, le secrétaire donne à l'inspecteur en chef, dans les sept jours suivant l'adoption de ce règlement municipal, un avis écrit indiquant le nom et l'adresse de chaque inspecteur municipal des mauvaises herbes et le secteur qui relève de sa compétence.

(3) Si un inspecteur municipal des mauvaises herbes démis- Idem sionne ou que le conseil révoque sa nomination, le secrétaire de la municipalité en donne un avis écrit à l'inspecteur en chef dans les sept jours suivant la démission ou la révocation.

Designation of local weed by municipal by-law 10.—(1) A council of a county, district municipality or regional municipality that has appointed an area weed inspector or a council of a municipality that has appointed a municipal weed inspector may by by-law designate as a local weed any plant that is not a noxious weed.

Effect of designation

(2) The by-law may apply in respect of the whole or any part of the municipality and, for the purposes of this Act, the plant that is designated shall be deemed to be a noxious weed within the area to which the by-law applies.

Approval of by-laws

(3) The by-law does not take effect until it is approved by the Minister.

Inspectors in territory without municipal organization R.S.O. 1980, c. 482 **11.**—(1) Road commissioners appointed under the *Statute Labour Act* in territory without municipal organization shall have the powers of an inspector.

Expenses for enforcement collectable under R.S.O. 1980, c. 482

(2) This Act applies in the case of territory without municipal organization in the same manner as in the case of a municipality, except that any sums payable by a person liable for expenses incurred or remuneration paid in enforcing this Act are collectable in the manner provided in the Statute Labour Act with respect to the enforcement of the payment of charges for statute labour or its commutation.

Powers of inspectors

12.—(1) For the purpose of searching for noxious weeds or weed seeds, an inspector may at any time between sunrise and sunset enter upon any land and buildings, except a dwelling house, in the area within his or her jurisdiction and inspect the land, buildings and any implements, machinery, vehicles and crops or other plants.

Identification to be provided (2) An inspector shall, upon request, show proper identification to the owner or occupier of the land or building being inspected.

Application for warrant

(3) If an inspector is denied entry or access to buildings or land or is obstructed while carrying out an inspection, the inspector may apply to a justice of the peace for a warrant.

Issuing of warrant

(4) If a justice of the peace is satisfied on evidence upon oath that it is necessary for an inspector to enter any buildings or land for the purpose of this Act, the justice of the peace may issue a warrant authorizing an inspector to enter the buildings or land specified in the warrant, together with such police officers as the inspector calls upon to assist him or her.

10 (1) Le conseil d'un comté, d'une municipalité de dis- Désignation trict ou d'une municipalité régionale qui a nommé un inspecteur de secteur des mauvaises herbes ou le conseil d'une municipalité qui a nommé un inspecteur municipal des mauvaises herbes peut, par voie de règlement municipal, désigner une plante qui n'est pas une mauvaise herbe nuisible comme mauvaise herbe locale.

d'une mauvaise herbe locale par municipal

(2) Le règlement municipal peut s'appliquer à la totalité ou à une partie du territoire de la municipalité. Pour l'application de la présente loi, la plante désignée comme mauvaise herbe locale est réputée une mauvaise herbe nuisible dans le secteur auquel s'applique le règlement municipal.

Portée de la désignation

(3) Le règlement municipal n'entre en vigueur qu'après son approbation par le ministre.

Approbation règlements municipaux

11 (1) Les administrateurs de la voirie nommés en vertu de la Loi sur les corvées légales dans des territoires non érigés en municipalité possèdent les mêmes pouvoirs qu'un inspecteur.

Inspecteurs dans les territoires non érigés en municipalité L.R.O. 1980, chap. 482

(2) La présente loi s'applique à l'égard d'un territoire non Dépenses érigé en municipalité de la même facon qu'à l'égard d'une municipalité. Toutefois, les sommes dues par la personne redevable des frais engagés ou de la rémunération payée pour l'exécution de la présente loi sont recouvrables de la facon prévue dans la Loi sur les corvées légales en ce qui concerne l'exécution du paiement des frais de corvée légale ou le rachat de ces frais.

d'exécution recouvrables en vertu du chap. 482 des L.R.O. de

12 (1) Entre le lever et le coucher du soleil, l'inspecteur peut pénétrer à tout moment sur un terrain ou dans un bâtiment, sauf s'il s'agit d'un logement, situé dans le secteur qui relève de sa compétence et inspecter le terrain, le bâtiment et tout outillage, machine, véhicule et récolte ou autres plantes pour rechercher des mauvaises herbes nuisibles ou des graines de mauvaises herbes.

Pouvoirs de l'inspecteur

(2) Sur demande, l'inspecteur montre ses pièces d'identité au propriétaire ou à l'occupant du terrain ou du bâtiment qui fait l'objet de l'inspection.

Pièces d'identité

(3) L'inspecteur qui se voit refuser l'entrée ou l'accès d'un bâtiment ou d'un terrain ou qui est entravé pendant qu'il effectue une inspection peut demander un mandat à un juge de paix.

Demande de

(4) Le juge de paix qui est convaincu, sur la foi de témoi- Mandat gnages recueillis sous serment, qu'il est nécessaire qu'un ins-

(5) A justice of the peace may receive and consider an application for a warrant without notice to the owner or occupier of the buildings or land.

Order for destruction of weeds

13.—(1) An inspector who finds noxious weeds or weed seeds on land in the area within his or her jurisdiction may order the person in possession of the land to destroy the noxious weeds or weed seeds.

Time for destruction of weeds

(2) The order shall be in the prescribed form and shall specify a time of at least seven days, excluding Saturdays and holidays, from the date of the service of the order within which the noxious weeds or weed seeds shall be destroyed.

Service of order

- (3) The order shall be served upon every person named in it,
  - (a) by personal service; or
  - (b) by mailing a copy of the order by prepaid first class mail, by registered mail or by certified mail to the last address for service provided by the person or, if no such address has been provided, to the person's address last noted on the tax assessment roll or, if none, to the person's last known address.

Effective date of service (4) Service under clause (3) (b) is effective on the seventh day after the order is mailed.

Service on owner and person in possession (5) If there is evidence that the person in possession of land is not its owner, the order shall be served on both the owner and the person in possession.

Appeal to chief inspector

(6) A person who is served with an order under subsection (5) may, within seven days after service, appeal the order or any requirement contained in it to the chief inspector, giving reasons for the appeal.

Written appeal

(7) The appeal and reasons shall be in writing.

pecteur pénètre dans un bâtiment ou sur un terrain pour l'application de la présente loi peut décerner un mandat qui autorise l'inspecteur, ainsi que les agents de police auxquels celuici demande de l'aider, à pénétrer dans le bâtiment ou sur le terrain précisé dans le mandat.

(5) Le juge de paix peut recevoir et étudier une demande Demande de mandat sans préavis au propriétaire ou à l'occupant du bâtiment ou du terrain.

sans préavis

13 (1) L'inspecteur qui trouve, sur un terrain situé dans le secteur qui relève de sa compétence, des mauvaises herbes nuisibles ou des graines de mauvaises herbes, peut ordonner à la personne en possession du terrain de les détruire.

Ordre de destruction de mauvaises

(2) L'ordre est rédigé selon la formule prescrite et précise le délai dans lequel les mauvaises herbes nuisibles ou les graines de mauvaises herbes doivent être détruites. Ce délai est d'au moins sept jours, à l'exclusion des samedis et jours fériés, à partir de la date de signification de l'ordre.

Délai accordé pour la destruction de mauvaises herbes

(3) L'ordre est signifié à toute personne dont le nom y Signification de l'ordre figure de l'une des facons suivantes :

- a) à personne;
- par l'envoi d'un exemplaire de l'ordre par courrier affranchi de première classe, par courrier recommandé ou par courrier certifié au dernier domicile élu de cette personne ou, si cette adresse n'a pas été fournie, à la dernière adresse figurant au rôle d'évaluation des impôts pour cette personne ou, à défaut, à sa dernière adresse connue.
- (4) La signification aux termes de l'alinéa (3) b) est valide le septième jour suivant la date de mise à la poste de l'ordre.

Date de validité de la signification

(5) S'il existe des preuves que la personne en possession du terrain n'en est pas le propriétaire, l'ordre est signifié au propriétaire et à la personne en possession du terrain.

Signification au propriétaire et à la personne en possession du terrain

(6) La personne qui reçoit signification d'un ordre aux termes du paragraphe (5) peut, dans les sept jours de la signification, interjeter appel de l'ordre ou d'une disposition de celuici devant l'inspecteur en chef en motivant l'appel.

Appel devant l'inspecteur

(7) L'appel est interjeté par écrit. Les motifs sont égale- Appel écrit ment donnés par écrit.

Parties

(8) The appellant, the inspector who made the order and such other persons as the chief inspector may specify are parties to the appeal.

Examination of land

(9) The chief inspector may, in the presence of the parties or after affording them an opportunity to be present, view and examine land in relation to which the order appealed from is made and may base his or her decision upon the evidence adduced by the parties and on the view and examination.

Decision of chief inspector

(10) After hearing an appeal under this section, the chief inspector may confirm or revoke the order or may make a new order in its place.

Service of order

(11) The chief inspector's order shall be served in accordance with subsections (3), (4) and (5).

Appeal

(12) The chief inspector's order may be appealed to the Divisional Court within thirty days of its making under subsection (10).

Obstruction of inspectors

**14.** No person shall hinder or obstruct an inspector in the course of his or her duties, refuse to furnish the inspector with information or furnish him or her with false information.

Failure to comply with order **15.**—(1) If an order served under section 13 is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the prescribed manner.

Expenses of inspectors

(2) Inspectors shall keep a record of the expenses incurred under subsection (1) with respect to each parcel of land.

Statement of expenses to be served on owner and person in possession of land (3) The expenses shall be submitted to the clerk of the municipality who shall have a statement of the expenses and a notice requesting payment served on the person in possession of the land and on its owner.

Service of statement and notice

(4) The statement and notice shall be served in the same manner as an order under section 13.

Failure to pay

(5) If the person upon whom a statement and notice were served fails to pay the amount set out in the statement within fifteen days after the service of the notice, the clerk shall present the statement to the council of the municipality in which the land is located, and the council shall order the amount to be paid out of the general funds of the municipality.

(8) L'appelant, l'inspecteur qui a donné l'ordre et les autres Parties personnes que l'inspecteur en chef peut désigner sont parties à l'appel.

(9) L'inspecteur en chef peut, en présence des parties ou après leur avoir donné la possibilité d'être présentes, inspecter le terrain visé par l'ordre qui fait l'objet de l'appel et rendre une décision fondée sur les preuves fournies par les parties et sur cette inspection.

(10) Après avoir entendu l'appel interjeté en vertu du présent article, l'inspecteur en chef peut confirmer ou révoquer en chef l'ordre, ou le remplacer par un nouvel ordre.

Décision de

(11) L'ordre de l'inspecteur en chef est signifié conformément aux paragraphes (3), (4) et (5).

Signification de l'ordre

(12) Il peut être interjeté appel de la décision de l'inspec- Appel teur en chef devant la Cour divisionnaire dans les trente jours suivant celui où l'ordre a été donné en vertu du paragraphe (10).

14 Nul ne doit gêner ni entraver un inspecteur dans l'exercice de ses fonctions, refuser de lui fournir des renseignements ou lui fournir de faux renseignements.

Entrave à l'inspection

15 (1) Si un ordre signifié aux termes de l'article 13 n'est pas exécuté, l'inspecteur peut faire détruire les mauvaises her- de l'ordre bes nuisibles ou les graines de mauvaises herbes de la façon prescrite.

Défaut d'exécution

(2) Les inspecteurs tiennent un état des dépenses qu'ils Dépenses engagent en vertu du paragraphe (1) à l'égard de chaque parcelle.

engagées par l'inspecteur

(3) L'état des dépenses est soumis au secrétaire de la municipalité qui fait signifier à la personne en possession du terrain et au propriétaire de celui-ci un relevé des dépenses accompagné d'une demande de paiement.

Signification du relevé des dépenses au propriétaire et à la personne en possession du terrain

- (4) Le relevé des dépenses et la demande de paiement sont signifiés de la même façon que l'ordre prévu à l'article 13.
  - du relevé Défaut de

Mode de

signification

(5) Si la personne à qui sont signifiés le relevé et la demande ne paie pas le montant figurant sur le relevé dans un délai de quinze jours après la signification de la demande, le secrétaire présente le relevé des dépenses au conseil de la municipalité où est situé le terrain. Le conseil ordonne de prélever le montant du remboursement sur les fonds d'administration de la municipalité.

paiement

Collection of costs

Bill 138

(6) The amount paid by the municipality shall be deemed to be taxes and shall be added to the collector's roll against the respective parcels concerned and collected in the same manner and with the same priorities as municipal taxes.

Destruction of weeds

16.—(1) Despite section 13, the council of any city, town, village or township may direct any of its municipal weed inspectors or, if there are none, the area weed inspectors to cause noxious weeds or weed seeds to be destroyed in the prescribed manner on all or part of any lot shown on a registered plan of subdivision and on lots not exceeding 10 acres that are not shown on such a plan.

Notice requirement (2) Before noxious weeds or weed seeds are destroyed, the council shall publish notice of its intent to have the noxious weeds or weed seeds destroyed in a newspaper having general circulation in the municipality.

Report of inspector

(3) The inspector shall report to the clerk of the municipality the amount of the expenses incurred under this section with respect to each parcel of land.

Statement of expenses to be served on owner and person in possession of land (4) The clerk of the municipality shall have a statement of the expenses and a notice requesting payment served on the person in possession of the land and on its owner.

Service of statement and notice

(5) The statement and notice shall be served in the same manner as an order under section 13.

Failure to pay

(6) If the person upon whom a statement and notice were served fails to pay the amount set out in the statement within fifteen days after the service of the notice, the clerk shall present the statement to the council of the municipality in which the land is located, and the council shall order the amount to be paid out of the general funds of the municipality.

Collection of costs

(7) The amount paid by the municipality shall be deemed to be taxes and shall be added to the collector's roll against the respective parcels concerned and collected in the same manner and with the same priorities as municipal taxes.

Application for refund, etc.

17. A person may apply to the council for the cancellation, reduction or refund of an amount levied in the year with respect to orders for weed control and is entitled to make an appeal to the Assessment Review Board in the same manner as for taxes under section 496 of the *Municipal Act*.

R.S.O. 1980, c. 302

(6) Le montant payé par la municipalité est réputé constituer un impôt et est ajouté au rôle de recouvrement des impôts municipaux relativement aux parcelles respectives concernées. Son recouvrement s'effectue de la même facon et selon les mêmes priorités que celui des impôts municipaux.

des frais

16 (1) Malgré l'article 13, le conseil d'une cité, d'une ville, d'un village ou d'un canton, peut ordonner à un de ses inspecteurs municipaux des mauvaises herbes ou, à défaut de ceux-ci, aux inspecteurs de secteur des mauvaises herbes, de faire détruire des mauvaises herbes nuisibles ou des graines de mauvaises herbes de la façon prescrite dans tout ou partie d'un lot qui figure sur un plan enregistré de lotissement, ainsi que dans des lots dont la superficie ne dépasse pas 10 acres et qui ne figurent pas sur un tel plan.

Destruction des mauvaises

(2) Avant que des mauvaises herbes nuisibles ou des graines de mauvaises herbes ne soient détruites, le conseil publie un avis de son intention de les faire détruire dans un journal généralement lu dans la municipalité.

Publication d'un avis

(3) L'inspecteur présente au secrétaire de la municipalité un rapport sur les dépenses engagées en vertu du présent article à l'égard de chaque parcelle.

Rapport de l'inspecteur

(4) Le secrétaire de la municipalité fait signifier à la personne en possession du terrain et au propriétaire de celui-ci un relevé des dépenses accompagné d'une demande de paiement.

Signification du relevé des dépenses au propriétaire et à la personne en possession du terrain

(5) Le relevé des dépenses et la demande de paiement sont signifiés de la même façon que l'ordre prévu à l'article 13.

Mode de signification

(6) Si la personne à qui sont signifiés le relevé et la demande ne paie pas le montant figurant sur le relevé dans un délai de quinze jours après la signification de la demande, le secrétaire présente le relevé des dépenses au conseil de la municipalité où est situé le terrain. Le conseil ordonne de prélever le montant du remboursement sur les fonds d'administration de la municipalité.

Défaut de paiement

(7) Le montant payé par la municipalité est réputé consti- Recouvrement tuer un impôt et est ajouté au rôle de recouvrement des impôts municipaux relativement aux parcelles respectives concernées. Son recouvrement s'effectue de la même façon et selon les mêmes priorités que celui des impôts municipaux.

17 Quiconque peut présenter au conseil une demande Demande de d'annulation, de réduction ou de remboursement d'un impôt ment levé au cours de l'année relativement à des ordres de destruc-

Notice requiring noxious weeds and weed seeds to be destroyed 18.—(1) A district weed inspector who finds noxious weeds or weed seeds on any land owned by or under the control of a municipality within his or her district may deliver or send by prepaid first class mail to the clerk of the municipality a notice requiring the noxious weeds or weed seeds to be destroyed before a date specified in the notice.

Failure to comply with notice

(2) If the notice is not complied with, the district weed inspector may cause the noxious weeds or weed seeds to be destroyed in the prescribed manner.

Recovery of expenses

(3) The expenses incurred by the district weed inspector under subsection (2) shall be paid by the municipality concerned and are recoverable in any court of competent jurisdiction by the Minister in the name of Her Majesty as a debt owed to the Crown.

Certificate proof of authority

(4) In any court action, the certificate purporting to be signed by the Minister as to the amount of the expenses is conclusive proof of the amount without proof of the Minister's authority or signature.

Prohibition

19. No person shall deposit or permit to be deposited any noxious weeds or weed seeds in any place where they might grow or spread.

Agricultural machines

20. If the moving of a machine used for agricultural purposes is likely to cause noxious weeds or weed seeds to grow or spread, no person shall move the machine or cause it to be moved without first removing from it all seeds and other residue.

Grain elevators,

21. A person in charge of a grain elevator, seed-cleaning plant or other grain-cleaning or grain-grinding plant shall dispose of all refuse containing weed seeds in a manner that will prevent them from growing or spreading.

Exception

**22.** Sections 3, 13, 16 and 18 do not apply to noxious weeds or weed seeds that are far enough away from any land used for agricultural or horticultural purposes that they do not interfere with that use.

tion des mauvaises herbes, et a le droit d'interjeter appel devant la Commission de révision de l'évaluation foncière, de la même facon que pour les impôts aux termes de l'article 496 de la Loi sur les municipalités.

L.R.O. 1980. chap. 302

18 (1) L'inspecteur de district des mauvaises herbes qui trouve des mauvaises herbes nuisibles ou des graines de mauvaises herbes sur un terrain dont une municipalité située dans le district soumis à sa compétence est propriétaire ou a le contrôle peut remettre ou envoyer par courrier affranchi de première classe au secrétaire de la municipalité un avis exigeant leur destruction avant la date qu'il précise.

Avis exigeant la destruction de mauvaises herbes et de graines de mauvaises herbes

(2) Si l'avis n'est pas exécuté, l'inspecteur de district des mauvaises herbes peut faire détruire les mauvaises herbes nuisibles ou les graines de mauvaises herbes de la façon prescrite.

d'exécution de l'avis

(3) La municipalité concernée paye les dépenses engagées par l'inspecteur de district des mauvaises herbes aux termes du paragraphe (2). Ces sommes sont recouvrables par le ministre au nom de Sa Majesté devant tout tribunal compétent en tant que créance de la Couronne.

Recouvrement des dépenses

(4) Dans toute action en justice, l'attestation du montant Attestation des dépenses qui se présente comme étant signée par le ministre en constitue une preuve concluante sans qu'il soit nécessaire de prouver l'authenticité de la signature du ministre ou d'établir son autorité.

en tant que

19 Nul ne doit déposer ni permettre de déposer des mau- Interdiction vaises herbes nuisibles ou des graines de mauvaises herbes dans un lieu où elles pourraient pousser ou se propager.

20 Si le déplacement d'une machine utilisée à des fins Machines agricoles risque d'entraîner la pousse ou la propagation de mauvaises herbes nuisibles ou de graines de mauvaises herbes. nul ne doit déplacer ni faire déplacer une telle machine sans l'avoir au préalable débarrassée de toutes graines et autre résidu.

agricoles

21 Quiconque est responsable d'un élévateur à grain, Élévateurs à d'une installation de nettoyage des céréales ou d'une autre installation destinée à nettoyer ou à moudre des céréales élimine tout déchet contenant des graines de mauvaises herbes d'une façon qui les empêche de pousser ou de se propager.

grain, etc.

22 Les articles 3, 13, 16 et 18 ne s'appliquent pas aux Exception mauvaises herbes nuisibles ni aux graines de mauvaises herbes qui se trouvent suffisamment loin de tout terrain exploité à

Offence

23.—(1) A person who contravenes this Act or the regulations, or an order made under this Act, is guilty of an offence and on conviction is liable for a first offence to a fine of not less than \$500 and not more than \$1,000 and for each subsequent offence to a fine of not less than \$1,000 and not more than \$2,000.

Idem, particular circumstances (2) Subsection (1) applies to a person who is in contravention of section 3 or of an order made under subsection 13 (1) even though an inspector has caused or may cause the noxious weeds and weed seeds to be destroyed.

Regulations

- 24.—(1) The Lieutenant Governor in Council may make regulations,
  - (a) designating plants as noxious weeds;
  - (b) prescribing the procedures for destroying noxious weeds and weed seeds;
  - (c) prescribing the conditions under which noxious weeds and weed seeds may be destroyed under sections 15, 16 and 18;
  - (d) respecting the transportation of farm produce, gravel or any other substance that is infested with noxious weeds or weed seeds;
  - (e) prescribing measures that shall be taken to prevent the establishment of any noxious weed in any locality;
  - (f) providing for the reimbursement of counties, district municipalities, regional municipalities and municipalities in territorial districts by the Province of Ontario for any part of the moneys expended under this Act and prescribing limits on the amounts reimbursed;
  - (g) prescribing measures that shall be taken to prevent the use of bird feed that is infested with weed seeds;

des fins agricoles ou horticoles pour ne pas nuire à une telle exploitation.

23 (1) Quiconque contrevient à la présente loi ou aux Infraction règlements, ou à un ordre donné aux termes de la présente loi, est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au moins 500 \$ et d'au plus 1 000 \$ à l'égard d'une première infraction, et d'une amende d'au moins 1 000 \$ et d'au plus 2 000 \$ à l'égard de chaque infraction subséquente.

(2) Le paragraphe (1) s'applique à la personne qui contre- Idem, vient à l'article 3 ou à un ordre donné aux termes du para-particulières graphe 13 (1) même si un inspecteur a fait détruire ou peut faire détruire les mauvaises herbes nuisibles et les graines de mauvaises herbes.

- 24 (1) Le lieutenant-gouverneur en conseil peut, par Règlements règlement:
  - a) désigner des plantes comme mauvaises herbes nuisibles:
  - prescrire la marche à suivre pour détruire les maub) vaises herbes nuisibles et les graines de mauvaises herbes:
  - prescrire les conditions de destruction des mauvaic) ses herbes nuisibles et des graines de mauvaises herbes aux termes des articles 15, 16 et 18;
  - traiter du transport des produits agricoles, du grad) vier et d'autres substances infestés de mauvaises herbes nuisibles ou de graines de mauvaises herbes:
  - prescrire les mesures à prendre pour empêcher l'ime) plantation de mauvaises herbes nuisibles dans une localité:
  - f) prévoir le remboursement par la province de l'Ontario aux comtés, aux municipalités de district, aux municipalités régionales et aux municipalités se trouvant dans des districts territoriaux, de toute somme déboursée aux termes de la présente loi, et prescrire des plafonds relativement aux montants remboursés:
  - prescrire les mesures à prendre pour empêcher l'utig) lisation de nourriture pour oiseaux infestée de graines de mauvaises herbes;

(h) prescribing forms and providing for their use.

Idem

(2) A regulation may be general or specific in its application.

Repeal

**25.** The *Weed Control Act*, being chapter 530 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement **26.** This Act comes into force on the day it receives Royal Assent.

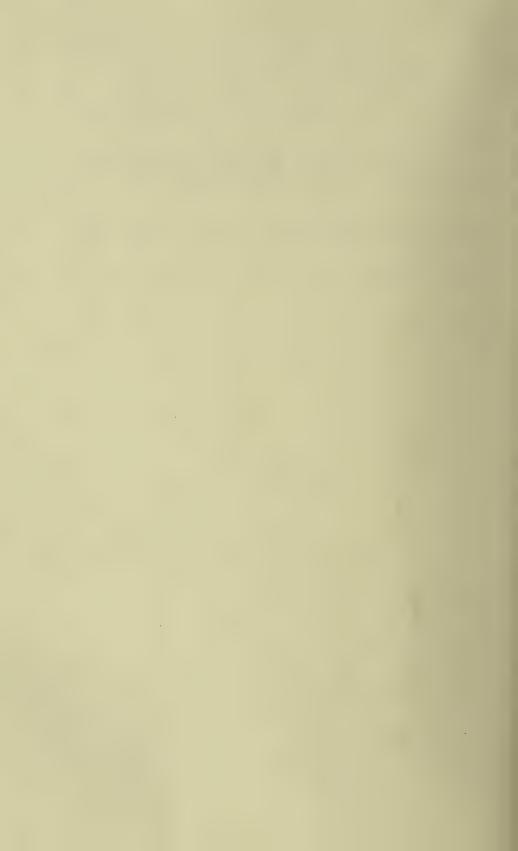
Short title

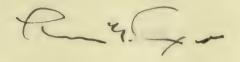
27. The short title of this Act is the Weed Control Act, 1988.

- h) prescrire des formules et prévoir les modalités de leur emploi.
- (2) Un règlement peut avoir une portée générale ou parti- Idem culière.
- 25 La Loi sur la destruction des mauvaises herbes, qui Abrogation constitue le chapitre 530 des Lois refondues de l'Ontario de 1980, est abrogée.
- **26** La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- 27 Le titre abrégé de la présente loi est Loi de 1988 sur la Titre abrégé destruction des mauvaises herbes.









## **Bill 139**

(Chapter 67 Statutes of Ontario, 1988)

### An Act to amend the Grain Elevator Storage Act, 1983

The Hon. J. Riddell

Minister of Agriculture and Food

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 25th, 1988

2nd Reading November 15th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



**Bill 139** 1988

### An Act to amend the Grain Elevator Storage Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 (3) of the Grain Elevator Storage Act, 1983, being chapter 40, is amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding thereto the following clause:
  - take and remove samples from a grain elevator for the purpose of determining whether there is compliance with section 21.
- 2.—(1) Subsection 3 (1) of the said Act is amended by inserting after "elevator" in the second line "or operate a grain elevator".
- (2) Subsection 3 (2) of the said Act is repealed and the following substituted therefor:
- (2) A person shall make a separate application and obtain a Application separate licence for each different location on which a grain elevator is operated unless the person meets the requirements set out in subsection (2a), in which case, one application, or such other number of applications as the chief inspector considers appropriate, may be made.

for licence

- (3) Section 3 of the said Act is amended by adding thereto the following subsection:
- (2a) Notwithstanding subsection (2), where a grain elevator Licence for operator,

operation

(a) operates grain elevators at more than one location; and

(b) maintains a collective storage position based on grain storage receipts issued from a central office,

the chief inspector may issue one licence, or such other number of licences as the chief inspector considers appropriate, in respect of the total operation.

3. The said Act is amended by adding thereto the following section:

Provisional suspension or refusal to renew **10a.**—(1) Notwithstanding section 10, the chief inspector may, without a hearing, provisionally suspend or refuse to renew a licence where in the chief inspector's opinion it is necessary to do so for the immediate protection of the interests of persons storing farm produce.

Hearing required

- (2) Notice of suspension or refusal to renew under subsection (1), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the chief inspector shall hold a hearing to determine whether the licence should be further suspended or revoked or whether renewal of the licence should be refused.
- **4.** Subsection 16 (2) of the said Act is amended by striking out "thirty" in the fifth line and inserting in lieu thereof "forty-five".
- 5. Subsection 17 (4) of the said Act is amended by striking out "on option" in the second and third lines and inserting in lieu thereof "through a basis or delayed price contract".
- 6. Subsection 19 (4) of the said Act is repealed and the following substituted therefor:

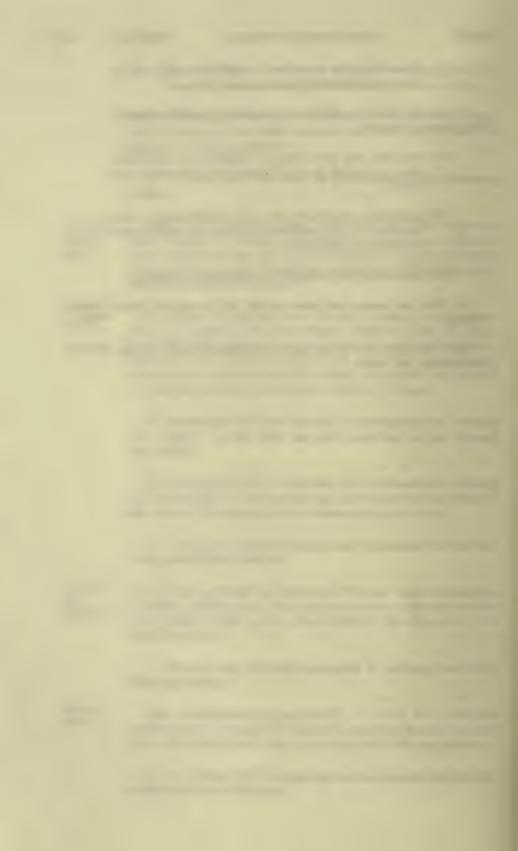
Consent of chief inspector to payment

- (4) Every contract of insurance obtained under subsection (1) shall provide that payment thereunder in respect of the farm produce shall not be made without the consent of the chief inspector.
- 7. The said Act is further amended by adding thereto the following section:

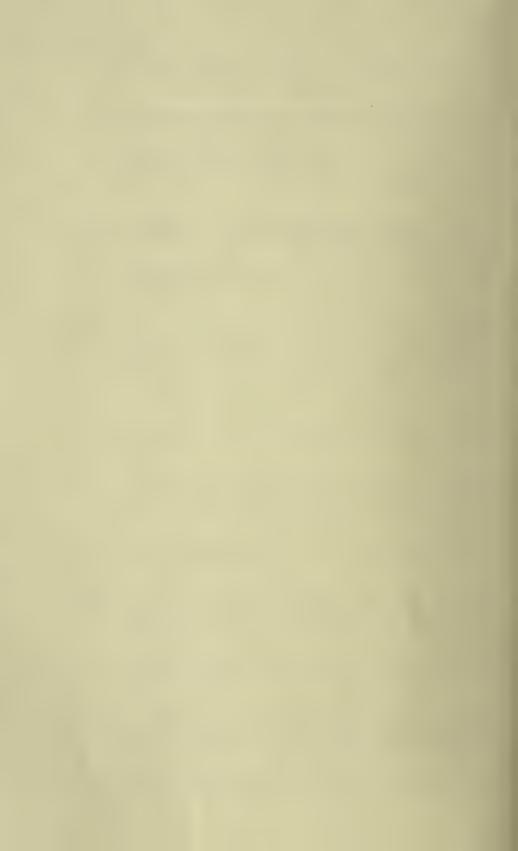
Shortfall permit

- **21a.** Notwithstanding section 21, a permit for a shortfall position may be issued by the chief inspector, subject to such terms and conditions as may be prescribed in the regulations.
- 8.—(1) Clause 26 (b) of the said Act is repealed and the following substituted therefor:

- (b) prescribing the terms and conditions under which licences and shortfall permits may be issued.
- (2) Section 26 of the said Act is amended by adding thereto the following clauses:
  - (da) requiring that grain storage receipts be on serialized paper approved by the Ministry of Agriculture and Food;
  - (db) prescribing standards for the establishment and operation of all premises, facilities and equipment used in a grain elevator;
  - (dc) prescribing the methods for taking grain samples.
- 9. This Act comes into force on the day it receives Royal Commencement Assent.
- 10. The short title of this Act is the Grain Elevator Storage Short title Amendment Act, 1988.







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### Bill 140

(Chapter 68 Statutes of Ontario, 1988)

## An Act to revise the Farm Products Containers Act

The Hon. J. Riddell

Minister of Agriculture and Food

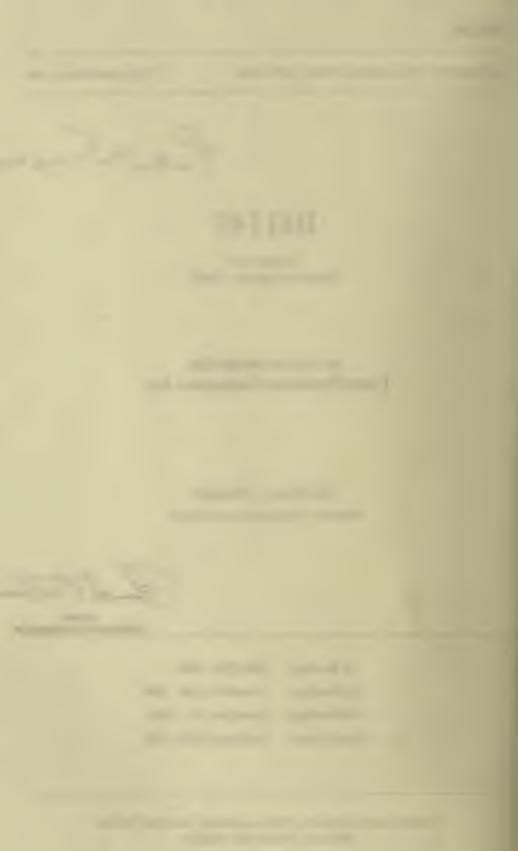
CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 25th, 1988

2nd Reading November 15th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



**Bill 140** 1988

#### An Act to revise the **Farm Products Containers Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

- "association" means an association of producers;
- "container" includes any bag, basket, bottle, box, can, carton, crate, pot or other receptacle used or suitable for use in the marketing of farm products;
- "farm products" means such fruit, honey, maple products, vegetables, plants, flowers, mushrooms, seeds and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations:
- "licence" means a licence provided for in the regulations;
- "Minister" means the Minister of Agriculture and Food or such other member of the Executive Council to whom the administration of this Act may be assigned;
- "producer" means a person engaged in the production of farm products and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of farm products;
- "regulations" means regulations made under this Act.
- 2. The Minister may appoint a Director to administer and Minister may enforce this Act and may appoint inspectors, who shall be Director, under the supervision of the Director, to carry out the audits inspectors authorized under subsection 4 (1).

Regulations

- 3. If the Minister receives from an association a request that, for the purpose of defraying the expenses of the association, every producer specified in the request who purchases containers be required to be licensed and to pay licence fees and the Minister is of the opinion that the association is representative of the producers, the Lieutenant Governor in Council may make regulations,
  - (a) designating the association as one to which this Act applies;
  - (b) providing for the licensing of every producer and requiring the producer to pay licence fees to the association directly in respect of containers purchased outside Ontario and to the seller on behalf of the association in respect of containers purchased in Ontario;
  - (c) fixing the amount of the licence fees and the time of payment thereof;
  - (d) exempting from the regulations any class of producer;
  - (e) exempting from the regulations any type of container;
  - (f) designating farm products or classes of farm products to which this Act applies;
  - (g) requiring every person who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;
  - (h) requiring the sellers of containers in Ontario and the producers who purchase containers outside Ontario to pay interest on overdue fees payable and prescribing the rate of interest;
  - (i) requiring the association to provide an annual written report to the Minister setting out the amount of fees collected and for what purpose the fees were used;
  - (j) requiring persons engaged in selling containers to producers to furnish to the association such information relating to the sale of containers, including the completing and filing of returns, as the association determines;

- (k) requiring the association to appoint auditors to audit the records of producers and sellers of containers:
- (1) restricting the purposes for which an association may use licence fees:
- (m) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the farm product:
- (n) providing for the recovery by the association of licence fees in any court of competent jurisdiction, and requiring persons engaged in selling containers to producers to account for licence fees payable to the association:
- (o) prescribing fees payable to the Treasurer of Ontario for an audit by an inspector of the records of an association.
- 4.—(1) The records of associations that relate to the pur-Audit by inspector chase or sale of containers may be audited by an inspector.
- (2) Every association shall, upon the request of an inspec- Idem tor, produce or furnish their records that relate to the receipt and expenditure of fees received from sellers of containers and producers who have purchased containers outside Ontario.

5.—(1) The records of producers and sellers of containers Audit by that relate to the purchase or sale of containers may be audited by an auditor appointed by the association.

association

(2) Every seller of containers and every producer shall, upon the request of an auditor, produce or furnish their records that relate to the purchase or sale of containers.

Records to be produced

**6.**—(1) An inspector or auditor, as applicable, may enter and have access to any premises for the purpose of examining the records mentioned in subsection 4 (1) or 5 (1).

Examination of records

(2) An inspector or auditor may remove the records in order to make copies but shall immediately return them.

Copies of

(3) Subsection (1) is not authority to enter a private resi- Private dence without the consent of the occupier.

residence

(4) The authority under subsection (1) shall be exercised only at reasonable times.

Reasonable times

Identification to be produced (5) An inspector or auditor exercising the authority under subsection (1) shall carry identification showing evidence of his or her appointment and shall produce the identification upon request.

Copy as evidence

(6) A copy of a record purporting to be certified by an inspector or auditor to be a copy made under subsection (2) is admissible in evidence in a judicial proceeding and has the same evidentiary value as the original document without proof of the signature of the inspector or auditor or of his or her being in fact the inspector or auditor.

Obstruction of inspector

(7) No person shall hinder or obstruct an inspector or auditor in the course of his or her duties or furnish the inspector or auditor with false information or refuse to furnish him or her with information.

Offence

**7.** A person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and to a fine of not more than \$10,000 for a subsequent offence.

Repeal

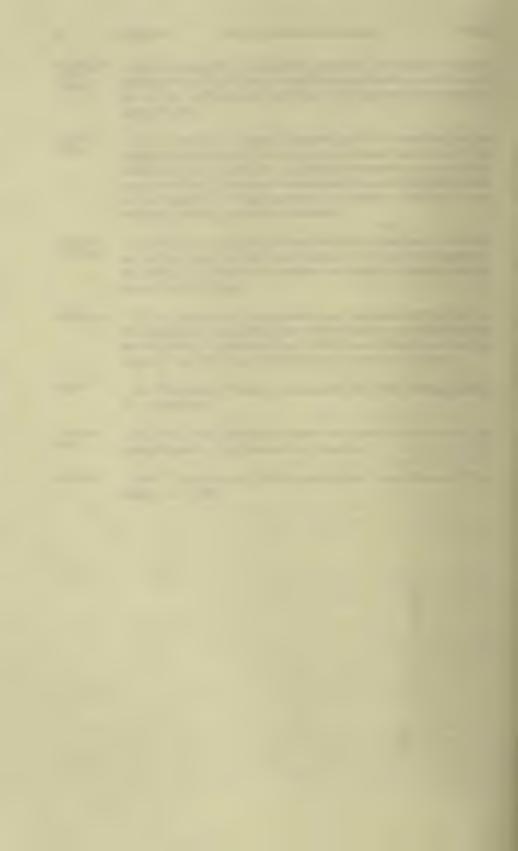
**8.** The Farm Products Containers Act, 1982, being chapter 53, is repealed.

Commencement **9.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

10. The short title of this Act is the Farm Products Containers Act, 1988.





1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

Bill 141

(Chapter 52 Statutes of Ontario, 1988)

# An Act respecting Metropolitan Toronto Convention Centre Corporation

The Hon. H. O'Neil

Minister of Tourism and Recreation

CLERK

LEGISLATIVE ASSEMBLY

1st Reading May 25th, 1988

2nd Reading June 22nd, 1988
3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



**Bill 141** 1988

#### An Act respecting Metropolitan **Toronto Convention Centre Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

- "Board" means the Board of Directors of the Corporation;
- "Centre" means the Metro Toronto Convention Centre:
- "Corporation" means Metropolitan Toronto Convention Centre Corporation:
- "Minister" means the Minister of Tourism and Recreation or such other member of the Executive Council as the Lieutenant Governor in Council designates to administer this Act.
- 2.—(1) Metropolitan Toronto Convention Centre Cor-Corporation poration, a corporation incorporated under the Corporations Act by letters patent issued on the 4th day of February, 1981, is hereby continued as a corporation without share capital.

continued

- R.S.O. 1980, (2) The Corporations Act does not apply to the Corporac. 95 does tion. not apply
- (3) The Corporation shall consist of not fewer than seven Composition and not more than thirteen members of whom.
  - (a) not more than ten shall be appointed by the Lieutenant Governor in Council; and
  - (b) not more than three shall be appointed by resolution of the council of The Municipality of Metropolitan Toronto.

Term of office

(4) Each member of the Corporation shall hold office for a term not exceeding three years and until his or her successor is appointed and is eligible for reappointment.

Board

**3.**—(1) The members of the Corporation form and are its Board of Directors.

Chairperson, president

(2) The Lieutenant Governor in Council shall designate one of the directors as chairperson of the Board and another of the directors as president and chief executive officer of the Corporation.

Remuneration and expenses (3) The Corporation may pay its directors such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Exception, remuneration

- (4) Despite subsection (3), the Corporation shall not pay remuneration to a director in his or her capacity as a director if he or she is,
  - (a) an employee of Her Majesty in right of Ontario or of an agency of Her Majesty in right of Ontario; or

R.S.O. 1980, c. 302 (b) an employee, as defined in paragraph 46 of section 208 of the *Municipal Act*, of a municipality, including a district, metropolitan or regional municipality, or of a local board as defined in the said paragraph 46.

Disclosure: conflict of interest 1982, c. 4 (5) Section 132 of the *Business Corporations Act*, 1982 applies with necessary modifications to members of the Board.

Chairperson to preside

**4.**—(1) The chairperson shall preside at all meetings of the Board and, in the chairperson's absence, one of the directors present at the meeting who is chosen to act by the directors present at the meeting has all the powers and duties of the chairperson.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Corporation, and generally for the conduct and management of the affairs of the Corporation.

Executive committee

(4) The Board may appoint from its membership a committee of directors and delegate to such committee any of the powers of the Board.

(5) A by-law or resolution consented to by the signatures of Approval of all of the directors or all of the members of a committee resolution established under subsection (4) is as valid and effective as if it had been passed at a meeting of the Board or committee, respectively, held for that purpose.

5. The Board shall manage and supervise the affairs of the Duties of Corporation.

**6.**—(1) The objects of the Corporation are to operate, Objects maintain and manage an international class convention centre facility in The Municipality of Metropolitan Toronto to be known as the Metro Toronto Convention Centre in a manner that will promote and develop tourism and industry in Ontario.

- (2) The Corporation, for the objects set out in subsection Powers (1), has power,
  - to make agreements with persons with respect to (a) the establishment or operation by them of any works or services in connection with the construction, operation and maintenance of the Centre;
  - (b) to operate or grant leases for the operation of retail shops, restaurants, theatres, parking facilities, exhibition facilities, and any other facilities or conveniences incidental to or necessary to the operation of the Centre:
  - (c) to buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or dispose of any real and personal property and any right or privilege that, in the opinion of the Board, is necessary or convenient for the purposes of the Corporation;
  - unless an order has been made under subsection 11 (2), temporarily to invest any surplus moneys not immediately required for the objects of the Corporation in,
    - (i) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada,
    - (ii) guaranteed investment certificates of any trust corporation that is registered under the Loan and Trust Corporations Act, 1987, 1987, c. 33

1980-81, c. 40 (Can.) (iii) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by a bank named in Schedule A or B to the *Bank Act* (Canada) or with the Province of Ontario Savings Office, and

R.S.O. 1980, c. 102

- (iv) term deposits accepted by a credit union as defined in the Credit Unions and Caisses Populaires Act;
- (e) with the approval of the Lieutenant Governor in Council,
  - (i) to borrow money upon the credit of the Corporation,
  - (ii) to issue, sell or pledge securities of the Corporation, and
  - (iii) to charge, mortgage or pledge all or any currently owned or subsequently acquired real or personal property of the Corporation, including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the Corporation;
- (f) to enter into agreements with The Municipality of Metropolitan Toronto for the use by the Corporation of services, equipment and facilities of The Municipality of Metropolitan Toronto; and
- (g) to do anything incidental to the attainment of the objects of the Corporation.

Head office

7.—(1) The Corporation's head office shall be in The Municipality of Metropolitan Toronto.

Seal

(2) The Corporation shall have a seal which shall be adopted by a resolution or by-law of the Board.

Staff

**8.**—(1) The Corporation may engage such persons as are considered necessary for the proper conduct of the affairs of the Corporation.

Use of Government facilities (2) The Corporation may make use of such services and facilities, including the services of a public servant on secondment, as are provided to it by a ministry, board, commission or agency of the Government of Ontario.

1988

9. No action or other proceeding for damages shall be Protection instituted against a director or officer of the Corporation or a former director or officer of the Corporation for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

liability

10.—(1) The real property vested in or leased to the Cor- Tax poration is exempt from taxation for municipal and school purposes so long as it is actually used and occupied for the purposes of the Corporation.

exemption

(2) For the purposes of subsection 219 (8) of the Municipality of Metropolitan Toronto Act, the exemption of real property from taxation granted under subsection (1) is deemed to be an exemption provided under section 3 of the Assessment Act.

R.S.O. 1980, cc. 314, 31

11.—(1) The income, revenues and profits earned by the Earnings of Corporation shall be applied only to the furtherance of the objects of the Corporation.

Corporation

(2) Any surplus moneys of the Corporation shall, on the order of the Lieutenant Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

(3) The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation.

Grants or

12.—(1) The fiscal year of the Corporation begins on the Fiscal year 1st day of April in each year and ends on the 31st day of March in the following year.

(2) The Board shall appoint one or more auditors licensed Audit under the Public Accountancy Act to audit the accounts and R.S.O. 1980, transactions of the Corporation annually.

(3) The audit of the accounts of the Corporation is subject to the review of the Provincial Auditor.

Review by Provincial Auditor

13. The Corporation shall, after the close of each fiscal Annual year, deliver to the Minister an annual report upon the affairs of the Corporation including the audited financial statements signed by the chairperson of the Board and one other director, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Crown agency R.S.O. 1980, c. 106 Grant payable in 1988

- **14.** The Corporation is a Crown agency within the meaning of the *Crown Agency Act*.
- 15.—(1) Where the Minister is of the opinion that property taxes in the City of Toronto and The Municipality of Metropolitan Toronto may be increased as a result of,
  - (a) the operation of subsection 16 (2); and
  - (b) the requirement that outstanding taxes be struck off the roll in accordance with section 495 of the Municipal Act,

R.S.O.1980, c. 302

the Minister may, by order, make a grant to The Corporation of the City of Toronto and The Municipality of Metropolitan Toronto, in the year 1988, under such terms and conditions as the Minister considers necessary in the circumstances.

Funds for grant

(2) The money required to pay the grant under subsection (1) shall be paid out of the Consolidated Revenue Fund.

Commencement **16.**—(1) This Act, except section 10, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 10 shall be deemed to have come into force on the 1st day of October, 1984.

Short title

17. The short title of this Act is the Metropolitan Toronto Convention Centre Corporation Act, 1988.

T SESSION 34TH LEGISLATURE ONTARIO

ill 142

T SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

# Bill 142

(Chapter 53 Statutes of Ontario, 1988)

## An Act respecting Ottawa Congress Centre

The Hon. H. O'Neil

Minister of Tourism and Recreation

1st Reading May 25th, 1988
2nd Reading June 22nd, 1988
3rd Reading June 29th, 1988
Royal Assent June 29th, 1988

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## Projet de loi 142

1<sup>re</sup> SESSION, 34<sup>e</sup> LÉGISLATURE, ONTARIO 37 ELIZABETH II, 1988

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# Projet de loi 142

(Chapitre 53 Lois de l'Ontario de 1988)

Loi concernant le Centre des congrès d'Ottawa

L'honorable H. O'Neil ministre du Tourisme et des Loisirs

Hande L. SKROS CLERK

CLERK LEGISLATIVE ASSEMBLY

 1re lecture
 25 mai 1988

 2e lecture
 22 iuin 1988

2e lecture 22 juin 1988

3e lecture 29 juin 1988 sanction royale 29 juin 1988

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

#### **Bill 142**

1988

#### An Act respecting Ottawa Congress Centre

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions** 

1. In this Act,

"conseil"

"Board" means the Board of Directors of the Centre;

"Centre"

"Centre" means Ottawa Congress Centre;

"ministre"

"Minister" means the Minister of Tourism and Recreation or such other member of the Executive Council as the Lieutenant Governor in Council designates to administer this Act.

Corporation established

**2.**—(1) There is hereby incorporated a corporation without share capital under the name "Ottawa Congress Centre".

R.S.O. 1980, c. 95 does not apply Composition

- (2) The Corporations Act does not apply to the Centre.
- (3) The Centre shall consist of not fewer than seven and not more than twelve members of whom,
  - (a) not more than nine shall be appointed by the Lieutenant Governor in Council; and
  - (b) not more than three shall be appointed by resolution of the council of The Regional Municipality of Ottawa-Carleton.

Vacancies

(4) The Lieutenant Governor in Council may fill any vacancy among the members of the Centre.

Term of office

(5) Each member of the Centre shall hold office for a term not exceeding three years and until his or her successor is appointed and is eligible for reappointment.

### Projet de loi 142

1988

### Loi concernant le Centre des congrès d'Ottawa

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«Centre» Le Centre des congrès d'Ottawa.

«Centre»

«conseil» Le conseil d'administration du Centre.

«Board»

«ministre» Le ministre du Tourisme et des Loisirs ou l'autre «Minister» membre du Conseil des ministres que le lieutenant-gouverneur en conseil charge de l'application de la présente loi.

- 2 (1) Est créée la personne morale sans capital-actions nommée «Centre des congrès d'Ottawa».
- Création d'une personne morale
- (2) La Loi sur les compagnies et associations ne s'applique pas au Centre.

Nonapplication du chap. 95 des L.R.O. de 1980

(3) Le Centre se compose d'au moins sept et d'au plus Composition douze membres, dont:

- pas plus de neuf sont nommés par le lieutenant-gouverneur en conseil:
- b) pas plus de trois sont nommés par résolution du conseil de la municipalité régionale d'Ottawa-Carleton.
- (4) Le lieutenant-gouverneur en conseil peut combler la Vacance d'un vacance survenue au sein des membres du Centre.

(5) Les membres du Centre sont en fonction pour une Mandat durée maximale de trois ans et jusqu'à la nomination de leur successeur. Leur mandat est renouvelable.

Board

**3.**—(1) The members of the Centre form and are its Board of Directors.

Chairperson

(2) The Lieutenant Governor in Council shall designate one of the directors as chairperson of the Board.

Remuneration and expenses

(3) The Centre may pay its directors such remuneration and expenses as are fixed by the Lieutenant Governor in Council.

Exception, remuneration

- (4) Despite subsection (3), the Centre shall not pay remuneration to a director in his or her capacity as a director if he or she is,
  - (a) an employee of Her Majesty in right of Ontario or of an agency of Her Majesty in right of Ontario; or

R.S.O. 1980, c. 302 (b) an employee, as defined in paragraph 46 of section 208 of the *Municipal Act*, of a municipality, including a district, metropolitan or regional municipality, or of a local board as defined in the said paragraph 46.

Disclosure: conflict of interest 1982, c. 4 (5) Section 132 of the Business Corporations Act, 1982 applies with necessary modifications to members of the Board.

Chairperson to preside

**4.**—(1) The chairperson shall preside at all meetings of the Board and, in the chairperson's absence, one of the directors present at the meeting who is chosen to act by the directors present at the meeting has all the powers and duties of the chairperson.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may pass by-laws regulating its proceedings, specifying the powers and duties of the officers and employees of the Centre, and generally for the conduct and management of the affairs of the Centre.

Executive committee

(4) The Board may appoint from its membership a committee of directors and delegate to such committee any of the powers of the Board.

Approval of by-law or resolution (5) A by-law or resolution consented to by the signatures of all the directors or all of the members of a committee established under subsection (4) is as valid and effective as if it had been passed at a meeting of the Board or committee, respectively, held for that purpose.

- 3 (1) Les membres du Centre forment son conseil d'ad-Conseil ministration.
- (2) Le lieutenant-gouverneur en conseil nomme un des Président administrateurs à la présidence du conseil.
- (3) Le Centre peut verser à ses administrateurs la rémuné- Rémunération ration et les indemnités que fixe le lieutenant-gouverneur en conseil.

et indemnités

(4) Malgré le paragraphe (3), le Centre ne verse à l'admi- Exception nistrateur aucune rémunération en cette qualité, si celui-ci rémunération est:

- un employé de Sa Majesté du chef de l'Ontario ou a) de l'un de ses organismes;
- un employé, au sens de la disposition 46 de l'article b) 208 de la Loi sur les municipalités, soit d'une muni- L.R.O. 1980, cipalité, y compris une municipalité régionale, de district ou de communauté urbaine, soit d'un conseil local au sens de cette disposition.

chap. 302

(5) L'article 132 de la Loi de 1982 sur les compagnies s'applique, avec les adaptations nécessaires, aux membres du conseil.

Divulgation visant les conflits d'intérêts 1982. chap. 4

4 (1) Le président préside les réunions du conseil. En cas d'absence du président, les administrateurs présents à la réunion choisissent parmi eux un administrateur qui est investi des pouvoirs du président et en exerce les fonctions.

Présidence des réunions

(2) La majorité des administrateurs constitue le quorum Quorum pour traiter les affaires aux réunions du conseil.

(3) Le conseil peut adopter des règlements intérieurs régissant ses délibérations, précisant les pouvoirs et les fonctions des dirigeants et employés du Centre et traitant de façon générale de l'administration et de la direction des affaires du Centre.

Règlements intérieurs

(4) Le conseil peut choisir parmi ses membres un comité d'administrateurs auquel il peut déléguer l'ensemble ou une partie de ses pouvoirs.

Comité directeur

(5) Le règlement intérieur ou la résolution signés par tous les administrateurs ou par tous les membres du comité créé en vertu du paragraphe (4), ont la même valeur et le même effet que s'ils avaient été adoptés à une réunion du conseil ou du comité convoquée à cette fin.

Approbation du règlement intérieur ou de la résolution

Duties of Board **5.** The Board shall manage and supervise the affairs of the Centre.

Objects

**6.**—(1) The objects of the Centre are to operate, maintain and manage an international class convention centre facility in The Regional Municipality of Ottawa-Carleton to be known as Ottawa Congress Centre in a manner that will promote and develop tourism and industry in Ontario.

Powers

- (2) The Centre, for the objects set out in subsection (1), has power,
  - (a) to make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the construction, operation and maintenance of the Centre;
  - (b) to operate or grant leases for the operation of retail shops, restaurants, theatres, parking facilities, exhibition facilities, and any other facilities or conveniences incidental to or necessary to the operation of the Centre;
  - (c) to buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or dispose of any real and personal property and any right or privilege that, in the opinion of the Board, is necessary or convenient for the purposes of the Centre;
  - (d) unless an order has been made under subsection 11 (2), to invest temporarily any surplus moneys not immediately required for the objects of the Centre in,
    - (i) securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada,
    - (ii) guaranteed investment certificates of a trust corporation that is registered under the Loan and Trust Corporations Act, 1987,
    - (iii) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by a bank named in Schedule A or B to the Bank Act (Canada) or with the Province of Ontario Savings Office, and

1987, c. 33

1980-81, c. 40 (Can.)

5 Le conseil assure la direction et la surveillance des Fonctions du affaires du Centre.

6 (1) Le Centre a pour objet d'assurer, dans la municipa- Objet lité régionale d'Ottawa-Carleton, le fonctionnement et la gestion d'un centre de congrès de classe internationale, nommé «Centre des congrès d'Ottawa», de manière à encourager et à développer le tourisme et l'industrie en Ontario.

- (2) Le Centre, aux fins de réaliser son objet décrit au para- Pouvoirs graphe (1), a le pouvoir :
  - de conclure avec quiconque des accords relatifs à la a) mise en place et à l'exploitation d'ouvrages et de services à l'égard de la construction et du fonctionnement du Centre:
  - b) d'exploiter ou de donner à bail des boutiques, restaurants, théâtres, installations de stationnement et d'expositions, de même que des installations ou avantages connexes ou nécessaires au fonctionnement du Centre:
  - d'acheter, de détenir, de posséder à titre de proc) priétaire, de louer, de conserver, de contrôler, de prendre, de donner à bail, de vendre, de céder, d'échanger, de transférer, de gérer, d'améliorer, de mettre en valeur ou d'aliéner des biens meubles et immeubles de même que des droits ou privilèges qui, de l'avis du conseil, sont utiles ou nécessaires au Centre dans la poursuite de ses objectifs:
  - de placer provisoirement, sous réserve du décret d) pris en application du paragraphe 11 (2), des sommes d'argent excédentaires qui ne sont pas immédiatement requises aux fins de réaliser l'objet du Centre dans:
    - (i) des valeurs mobilières émises ou garanties, quant au principal et aux intérêts, par la province de l'Ontario, par une autre province du Canada ou par le Canada,
    - (ii) des certificats de placement garantis d'une compagnie de fiducie inscrite aux termes de la Loi de 1987 sur les compagnies de prêt et de fiducie,

1987, chap. 33

(iii) des récépissés, billets ou certificats de dépôts, des acceptations ou d'autres effets semblables émis ou visés par une banque désignée à l'anR.S.O. 1980, c. 102

- (iv) term deposits accepted by a credit union as defined in the *Credit Unions and Caisses Populaires Act*;
- (e) with the approval of the Lieutenant Governor in Council,
  - (i) to borrow money upon the credit of the Centre,
  - (ii) to issue, sell or pledge securities of the Centre, and
  - (iii) to charge, mortgage or pledge all or any currently owned or subsequently acquired real or personal property of the Centre, including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed or other debt or liability of the Centre;
- (f) to enter into agreements with The Regional Municipality of Ottawa-Carleton for the use by the Centre of services, equipment and facilities of The Regional Municipality of Ottawa-Carleton; and
- (g) to do anything incidental to the attainment of the objects of the Centre.

Head office

**7.**—(1) The head office of the Centre shall be in The Regional Municipality of Ottawa-Carleton.

Seal

(2) The Centre shall have a seal which shall be adopted by a resolution or by-law of the Board.

Staff

**8.**—(1) The Centre may engage such persons as are considered necessary for the proper conduct of the affairs of the Centre.

Use of Government facilities

(2) The Centre may make use of such services and facilities, including the services of a public servant on secondment, as are provided to it by a ministry, board, commission or agency of the Government of Ontario.

Protection from personal liability **9.** No action or proceeding for damages shall be instituted against a director or officer of the Centre or a former director or officer of the Centre for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

nexe A ou B de la Loi sur les banques 1980-1981, (Canada) ou par la Caisse d'épargne de l'Ontario.

chap. 40

(iv) des dépôts à terme acceptés par une caisse au sens de la Loi sur les caisses populaires et les L.R.O. 1980, credit unions:

chap. 102

- avec l'approbation du lieutenant-gouverneur en conseil:
  - (i) de contracter des emprunts sur le crédit du Centre.
  - (ii) d'émettre, de vendre ou de nantir des valeurs mobilières du Centre.
  - (iii) de grever, d'hypothéquer ou de nantir la totalité ou une partie des biens meubles ou immeubles qui appartiennent ou appartiendront au Centre, y compris les comptes créditeurs, les droits, pouvoirs, concessions et engagements qui ont pu être pris envers celuici aux fins de garantir un titre de créance, un emprunt, une dette ou une obligation du Centre:
- de conclure avec la municipalité régionale d'Ottawa-Carleton des accords relatifs à l'utilisation par le Centre de services, de matériel et d'installations appartenant à cette municipalité;
- de faire tout ce qui est lié à la réalisation de l'objet du Centre.
- 7 (1) Le siège social du Centre est situé dans la municipa- Siège social lité régionale d'Ottawa-Carleton.
- (2) Le Centre a un sceau, que le conseil adopte par résolu- Sceau tion ou par règlement intérieur.
- 8 (1) Le Centre peut se doter du personnel nécessaire à Personnel la conduite efficace de ses affaires.
- (2) Le Centre peut se prévaloir des services et des installa- Utilisation des tions que lui fournissent les ministères, commissions ou organismes du gouvernement de l'Ontario, y compris les services ment d'un fonctionnaire en détachement.

installations du gouverne-

9 Sont irrecevables les actions ou instances en dommages- Immunité intérêts intentées contre l'administrateur ou le dirigeant

Tax exemption

10

10.—(1) The real property vested in or leased to the Centre is exempt from taxation for municipal and school purposes so long as it is actually used and occupied for the purposes of the Centre.

OTTAWA CONGRESS CENTRE

Idem R.S.O. 1980, c. 439

(2) For the purposes of subsection 121 (10) of the Regional Municipality of Ottawa-Carleton Act, the exemption of real property from taxation granted under subsection (1) is deemed to be an exemption provided under section 3 of the Assessment Act.

R.S.O. 1980, c. 31

Earnings of Centre

11.—(1) The income, revenues and profits earned by the Centre shall be applied only to the furtherance of the objects of the Centre.

Surplus money

(2) Any surplus moneys of the Centre shall, on the order of the Lieutenant Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund.

Grants or loans

(3) The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Centre.

Fiscal year

12.—(1) The fiscal year of the Centre begins on the 1st day of April in each year and ends on the 31st day of March in the following year.

Auditors R.S.O. 1980, c. 405

(2) The Board shall appoint one or more auditors licensed under the Public Accountancy Act to audit the accounts and transactions of the Centre annually.

Review by Provincial Auditor

(3) The audit of the accounts of the Centre is subject to the review of the Provincial Auditor.

Annual report

13. The Centre shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Centre including the audited financial statements signed by the chairperson of the Board and one other director, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Crown agency R.S.O. 1980,

14. The Centre is a Crown agency within the meaning of the Crown Agency Act.

ancien ou actuel du Centre pour un acte accompli de bonne foi dans l'exercice ou l'exercice prévu de ses fonctions ou pour une négligence ou un défaut reproché dans l'exercice de bonne foi de ses fonctions.

10 (1) Les biens immeubles acquis ou loués au Centre font l'objet d'une exonération de l'impôt aux fins municipales et scolaires tant qu'ils sont effectivement utilisés et occupés aux fins du Centre.

Exonération de l'impôt

(2) Pour l'application du paragraphe 121 (10) de la Loi sur Idem la municipalité régionale d'Ottawa-Carleton, l'exonération d'impôts accordée en vertu du paragraphe (1), à l'égard des biens immeubles, est réputée l'exonération visée à l'article 3 de la Loi sur l'évaluation foncière.

L.R.O. 1980. chap. 439

L.R.O. 1980, chap. 31

11 (1) Les recettes, revenus et bénéfices réalisés par le Centre sont imputés uniquement à la réalisation de son objet.

Revenus du Centre

(2) Par décret du lieutenant-gouverneur en conseil, les sommes d'argent excédentaires provenant du Centre sont versées au trésorier de l'Ontario et font partie du Fonds du revenu consolidé.

Sommes d'argent excédentaires

(3) Le ministre peut, sur les sommes affectées à cette fin par la Législature, consentir au Centre des subventions ou des prêts.

Subventions et

12 (1) L'exercice du Centre commence le 1er avril et se Exercice termine le 31 mars de l'année suivante.

(2) Le conseil charge un ou plusieurs vérificateurs titulaires d'un permis délivré en vertu de la Loi sur les expertscomptables de vérifier chaque année les comptes et les opérations du Centre.

Vérificateurs L.R.O. 1980, chap. 405

(3) La vérification des comptes du Centre est susceptible d'être révisée par le vérificateur provincial.

Révision par le vérificateur provincial

13 Au terme de chaque exercice, le Centre présente au ministre un rapport annuel sur les affaires du Centre, y compris les états financiers vérifiés, signés par le président du conseil et par un autre administrateur. Le ministre présente le rapport au lieutenant-gouverneur en conseil et le dépose ensuite devant l'Assemblée. Si celle-ci ne siège pas, il le dépose à la session suivante.

Rapport annuel

**14** Le Centre constitue un organisme de la Couronne au sens de la Loi sur les organismes de la Couronne.

Organisme de la Couronne L.R.O. 1980. chap. 106

c. 439

Interpretation

15.—(1) In this section, "board of management" means the board of management established under the authority of section 182 of the Regional Municipality of Ottawa-Carleton R.S.O. 1980, Act and known as Canada's Capital Congress Centre Board of Management.

Board of management dissolved

(2) The board of management is dissolved and the Centre shall stand in the place of the board of management.

Transfer of employees

(3) Every person employed under an agreement between the person and the board of management immediately before the coming into force of this Act shall be deemed to be an employee of the Centre on the same terms and conditions as prevailed between the person and the board of management and the Centre shall be deemed to be a party to every such agreement as if the Centre were the board of management.

Rights and liabilities continued

(4) The Centre possesses all the property, rights, privileges and franchises and is subject to all liabilities, including civil, criminal and quasi-criminal, and all contracts, disabilities and debts of the board of management.

Transfer of title R.S.O. 1980, cc. 445, 230, 43, 52

- (5) For the purposes of the Registry Act, the Land Titles Act, the Bills of Sale Act, the Bulk Sales Act and any other Act affecting title to the property, it is sufficient to cite this Act to show the transmission of title to the Centre and the vesting therein of any real or personal property or any interest therein and the transfer of assets effected by this section shall be deemed to have been made in conformity with each of those Acts.
- 16. Section 182 of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 26, section 14, is repealed.

Commencement

17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

18. The short title of this Act is the Ottawa Congress Centre Act, 1988.

15 (1) Dans le présent article, «conseil de gestion» s'en- Interprétation tend du conseil de gestion créé en vertu de l'article 182 de la Loi sur la municipalité régionale d'Ottawa-Carleton, nommé «Canada's Capital Congress Centre Board of Management».

L.R.O. 1980, chap. 439

(2) Le conseil de gestion est dissous et est remplacé par le Centre.

Dissolution du conseil de gestion

(3) La personne qui, immédiatement avant l'entrée en vigueur de la présente loi, était employée aux termes d'un accord conclu entre elle et le conseil de gestion, est réputée un employé du Centre aux conditions qui avaient cours en vertu de cet accord. Le Centre est réputé une partie à chacun de ces accords, aux lieu et place du conseil de gestion.

Cession de l'entreprise

(4) Les biens, droits, privilèges et concessions du conseil de Les droits et gestion passent au Centre, auquel sont imposés les obliga- demeurent tions, contrats, incapacités et dettes, de même que toute responsabilité civile, pénale ou quasi-pénale du conseil de gestion.

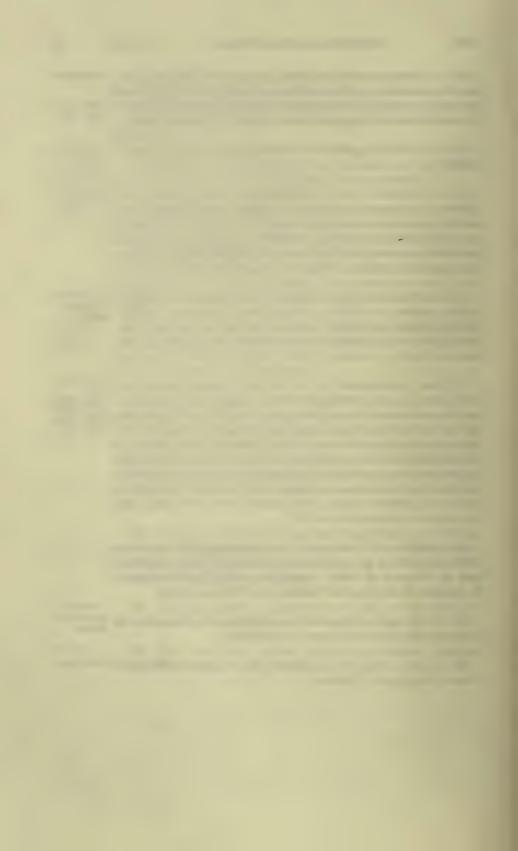
(5) Pour l'application de la Loi sur l'enregistrement des actes, de la Loi sur l'enregistrement des droits immobiliers, de la Loi sur les actes de vente d'objets, de la Loi sur la vente en bloc et de toute autre loi ayant une incidence sur le titre de propriété, il suffit d'invoquer la présente loi pour établir la transmission du titre en faveur du Centre. L'acquisition au Centre des biens meubles et immeubles et des droits qui s'y rattachent, de même que la cession des biens de l'actif effectuée par le présent article, sont réputées avoir été faites conformément à chacune de ces lois.

Cession du L.R.O. 1980. chap. 445, 230, 43, 52

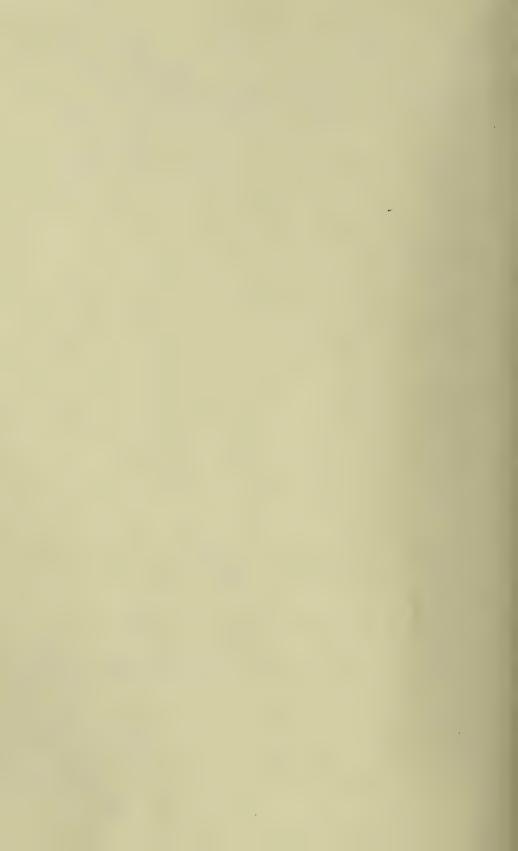
16 L'article 182 de la Loi sur la municipalité régionale d'Ottawa-Carleton, qui constitue le chapitre 439 des Lois refondues de l'Ontario de 1980, tel qu'il est modifié par l'article 14 du chapitre 26 des Lois de l'Ontario de 1982, est abrogé.

17 La présente loi entre en vigueur le jour que le Entrée en lieutenant-gouverneur fixe par proclamation.

18 Le titre abrégé de la présente loi est Loi de 1988 sur le Titre abrégé Centre des congrès d'Ottawa.







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## Bill 144

(Chapter 28 Statutes of Ontario, 1988)

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1988

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 26th, 1988

2nd Reading May 26th, 1988

3rd Reading May 26th, 1988

Royal Assent June 1st, 1988



1988 **Bill 144** 

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1988

#### **MOST GRACIOUS SOVEREIGN:**

Whereas it appears by messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1988; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Reve- \$20,628,455,700 nue Fund a sum not exceeding in the whole \$20,628,455,700 to be applied towards defraying the several charges and 1987-88 expenses of the public service, not otherwise provided for, from the 1st day of April, 1987, to the 31st day of March, 1988, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

granted for fiscal year

(2) Where, in the fiscal year ending the 31st day of March, 1988, powers and duties were assigned and transferred from one minister of the Crown to another minister of the Crown. the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement **3.** This Act shall be deemed to have come into force on the 31st day of March, 1988.

Short title

4. The short title of this Act is the Supply Act, 1988.

#### **SCHEDULE**

		SUPPLEMENTARY		
	ESTIMATES	ESTIMATES	TOTAL	
	\$	\$	\$	
Agriculture and Food	354,166,800	5,064,400	359,231,20	
Assembly, Office of the	66,670,900	7,919,300	74,590,20	
Attorney General	246,640,600	15,062,700	261,703,30	
Cabinet Office	6,057,400	0	6,057,40	
Chief Election Officer, Office of the		0	361,60	
Citizenship and Culture	177,487,800	0	177,487,80	
Colleges and Universities	1,721,980,800	7,500,000	1,729,480,80	
Community and Social Services	2,480,324,100	101,177,200	2,581,501,30	
Consumer and Commercial Relations	89,065,900	5,999,300	95,065,20	
Correctional Services	261,342,000	0	261,342,00	
Disabled Persons, Office for	2,519,000	1,100,000	3,619,00	
Education	1,803,332,200	82,800,000	1,886,132,20	
Inergy	27,092,000	2,446,000	29,538,00	
Invironment	294,584,600	8,771,900	303,356,50	
inancial Institutions	16,643,600	0	16,643,60	
Sovernment Services	357,300,100	8,478,000	365,778,10	
<b>lealth</b>	8,030,936,600	71,212,300	8,102,148,90	
lousing	267,957,500	3,337,700	271,295,20	
Industry, Trade and Technology	154,358,700	4,567,000	158,925,70	
Intergovernmental Affairs	5,071,100	0	5,071,10	
abour	79,069,500	0	79,069,50	
Lieutenant Governor, Office of the	366,000	0	366,00	
fanagement Board	196,018,300	0	196,018,30	
Iunicipal Affairs	381,339,000	4,414,300	385,753,30	
Mative Affairs, Office Responsible fo		0	3,029,80	
latural Resources	370,585,900	4,500,000	375,085,90	
forthern Development and Hines	171,197,900	0	171,197,90	
mbudsman, Office of the	5,021,700	92,100	5,113,80	
Premier, Office of the	1,313,500	0	1,313,50	
Provincial Auditor, Office of the	4,895,300	0	4,895,30	
levenue	370,496,100	57,500,000	427,996,10	
enior Citizens Affairs, Office		0		
Responsible for	2,578,000	0	2,578,00	
kills Development	317,011,900	3,057,000	320,069,700	
olicitor General	278,430,600	0	278,430,50	
ourism and Recreation	138,364,900	0	138,364,90	
ransportation		64,075,000	64,075,000	
ransportation and Communications	1,324,389,600	0	1,324,389,500	
reasury and Economics	147,636,600	0	147,636,500	
fomen's Issues, Office Responsible fo	r 13,742,800	0	13,742,800	

TOTAL

20,169,380,700 459,075,000 20,628,455,700

1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

## Bill 148

(Chapter 54 Statutes of Ontario, 1988)

# An Act to amend certain Acts respecting the Environment

The Hon. J. Bradley

Minister of the Environment

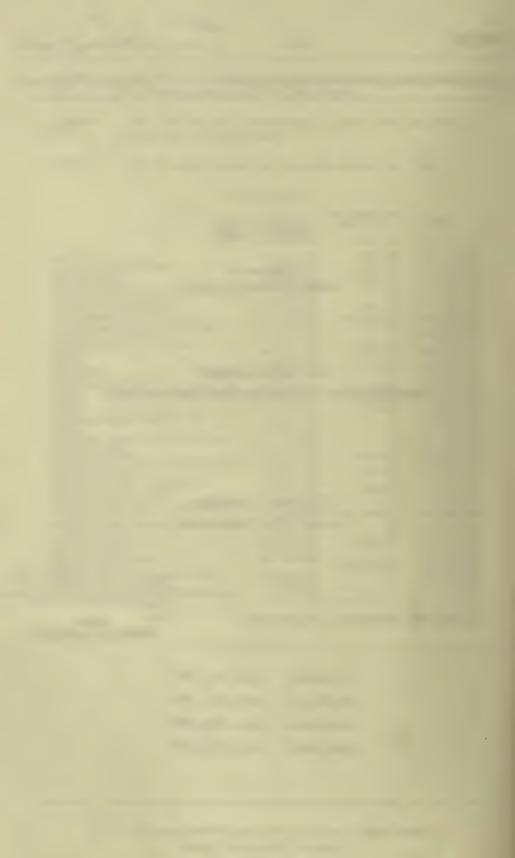
CLERK LEGISLATIVE ASSEMBLY

1st Reading June 2nd, 1988

2nd Reading June 21st, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



Bill 148 1988

# An Act to amend certain Acts respecting the Environment

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### PART I

#### Environmental Protection Act

- 1.—(1) Clause 1 (1) (a) of the Environmental Protection Act, being chapter 141 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 68, section 1, is amended by striking out "effects" in the first line and inserting in lieu thereof "effect".
- (2) Clause 1 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 1, is repealed and the following substituted therefor:
  - (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.
- (3) Clause 1 (1) (ca) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 52, section 1, is repealed and the following substituted therefor:
  - (ca) "discharge", when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak.
- (4) Clause 1 (1) (1) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 1, is repealed and the following substituted therefor:
  - (I) "person" includes a municipality as defined in this subsection.

- (5) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 1 and 1986, chapter 68, section 1, is further amended by adding thereto the following clauses:
  - (da) "inspection" includes an audit, examination, survey, test and inquiry;
  - (ma) "place" includes a building, structure, machine, vehicle or vessel.

. . . .

- (6) Clause 1 (1) (p) of the said Act is amended by striking out "adds to, emits or" in the first and second lines.
- 2. Subsection 5 (1) of the said Act is amended by striking out "deposit in, add to, emit or" in the first line and by striking out "addition to, emission or" in the fourth line.
- 3.—(1) Section 6 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 3, is further amended by striking out "added to, emitted or" in the second and third lines.
- (2) The said section 6 is further amended by adding thereto the following subsection:

Public notice

- (2) The Director shall give notice of the control order to every municipality in which the contaminant is discharged and to the public in such manner as the Director considers appropriate.
- **4.**—(1) Section 7 of the said Act is amended by striking out "adding to, emitting or" in the third line.
- (2) The said section 7 is further amended by adding thereto the following subsection:

Public notice

- (2) The Director shall give notice of the stop order to every municipality in which the contaminant is discharged and to the public in such manner as the Director considers appropriate.
- 5.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Approval of Director (1) No person shall, except under and in accordance with a certificate of approval issued by the Director,

- (a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water; or
- (b) alter a process or rate of production with the result that a contaminant may be discharged into any part of the natural environment other than water or the rate or manner of discharge of a contaminant into any part of the natural environment other than water may be altered.
- (2) Subsection 8 (2) of the said Act is amended by striking out "emission or" in the seventh line.
- (3) Clause 8 (3) (c) of the said Act is repealed and the following substituted therefor:
  - (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where the only contaminant produced by such equipment, apparatus, mechanism or thing is sound or vibration.
- (4) Subsection 8 (4) of the said Act is repealed and the following substituted therefor:
- (4) The Director may refuse to issue a certificate of Powers of approval or may issue a certificate of approval on such terms and conditions as the Director considers necessary,

- (a) to ensure that any construction, alteration, extension, replacement, use or operation of a plant, structure, equipment, apparatus, mechanism or thing referred to in clause (1) (a) or that any alteration of a process or rate of production referred to in clause (1) (b) will result in compliance with this Act and the regulations and any order or approval hereunder; or
- (b) on probable grounds, to prevent or alleviate an adverse effect.
- (5) The Director may,

Idem

(a) alter any terms and conditions in a certificate of approval or impose new terms and conditions; or

(b) revoke or suspend a certificate of approval,

as the Director considers necessary for the reasons set out in clause (4) (a) or (b).

Exception

- (6) A person to whom the Director has issued a certificate of approval under subsection (1) may make any changes in respect of which it is impractical to first obtain an amendment to the certificate if,
  - (a) the changes are not capable of increasing the potential for discharge of a contaminant into the natural environment; and
  - (b) the Director is notified in writing forthwith of the changes.

No use or operation without certificate of approval

- (7) No person shall use or operate a plant, structure, equipment, apparatus, mechanism or thing for which a certificate of approval is required under clause (1) (a) unless the required certificate of approval has been issued and complied with.
- 6. Subsection 9 (1) of the said Act is amended by striking out "addition to, emission or" in the third line.
- 7. Section 10 of the said Act is amended by adding thereto the following subsections:

Amendment or revocation (2) The Director may, by order, amend or revoke a program approval that was issued in error or that no longer adequately provides for the protection and conservation of the natural environment.

Amendment or revocation on consent (3) The Director may, by order, amend or revoke a program approval with the consent of the person to whom the program approval is directed.

No hearing for amendment or revocation on consent

- (4) Subsection 122 (1) does not entitle any person to a hearing in respect of an amendment or revocation of a program approval in accordance with a consent mentioned in subsection (3).
- 8. Section 11 of the said Act is amended by inserting after "approval" in the first line "or order".
- 9. Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

- (1) Every person,
  - (a) who discharges into the natural environment; or
  - (b) who is the person responsible for a source of contaminant that discharges into the natural environment.

Ministry to be notified when contamination exceeds permitted

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the discharge.

- 10. Section 13 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 4, is repealed and the following substituted therefor:
- 13.—(1) Notwithstanding any other provision of this Act Prohibition or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect.

(2) Subsection (1) does not apply, in respect of an adverse Exception effect referred to in subclause 1 (1) (a) (i), to animal wastes disposed of in accordance with normal farming practices.

- 11.—(1) Subsection 14 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 5, is repealed and the following substituted therefor:
- (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural be notified environment out of the normal course of events that causes or is likely to cause an adverse effect shall forthwith notify the Ministry.

- (2) Subsection 14 (3) of the said Act is repealed.
- 12. Section 16 of the said Act is amended by striking out "deposit, addition, emission or" in the first and second lines.
- 13. Subsection 17 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 52, section 6, is amended by adding thereto the following paragraphs:
  - To monitor and record the discharge into the natural environment of a contaminant specified in the order and to report thereon to the Director.
  - 6. To study and to report to the Director upon,

- i. measures to control the discharge into the natural environment of a contaminant specified in the order,
- ii. the effects of the discharge into the natural environment of a contaminant specified in the order,
- iii. the natural environment into which a contaminant specified in the order is likely to be discharged.
- **14.**—(1) Subsection 18 (1) of the said Act is repealed and the following substituted therefor:

Order or approval binds successor or assignee

- (1) An order or approval of a court, the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.
- (2) Subsection 18 (3) of the said Act is amended by inserting after "revoked" in the first line "or set aside".
- 15. Clause 20 (a) of the said Act is amended by adding at the end thereof "used in a vehicle".
- **16.**—(1) Subsection 21 (1) of the said Act is amended by striking out "offer or expose" in the first line and inserting in lieu thereof "or offer, expose or advertise".
- (2) Subsection 21 (2) of the said Act is amended by striking out "emission" in the third line and inserting in lieu thereof "discharge" and by striking out "offer or expose" in the fourth line and inserting in lieu thereof "or offer, expose or advertise".
- (3) Subsection 21 (3) of the said Act is amended by striking out "emission" in the third line and inserting in lieu thereof "discharge".
- 17. Subsection 22 (2) of the said Act is amended by striking out "emission" in the third line and inserting in lieu thereof "discharge".
- 18. Subsection 23 (2) of the said Act is repealed and the following substituted therefor:

Discharge of waste prohibited

(2) No person shall discharge or cause or permit the discharge of any waste on ice over any water except in accordance with the regulations.

- 19.—(1) Subsection 30 (1) of the said Act is amended by striking out "hold a public hearing" in the last line and inserting in lieu thereof "require the Environmental Assessment Board, by a notice in writing, to hold a hearing".
- (2) Subsection 30 (2) of the said Act is amended by striking out "Director" in the seventh line and inserting in lieu thereof "Environmental Assessment Board".
- 20. Section 31 of the said Act is amended by striking out "holding a public hearing" in the last line and inserting in lieu thereof "requiring the Environmental Assessment Board to hold a hearing".
- 21.—(1) Subsection 32 (1) of the said Act is amended by striking out "hold a public hearing" in the last line and inserting in lieu thereof "require the Environmental Assessment Board, by a notice in writing, to hold a hearing".
- (2) Subsection 32 (2) of the said Act is amended by striking out "Director" in the last line and inserting in lieu thereof "Environmental Assessment Board".
- 22. Section 33 of the said Act is repealed and the following substituted therefor:
- 33.—(1) Upon receipt of a notice from the Director under Hearing section 30, 32 or 35, the Environmental Assessment Board Environshall hold a hearing with respect to the subject-matter of the mental notice.

Assessment

(2) The applicant, the Director and any other persons spec- Parties ified by the Environmental Assessment Board shall be parties to the hearing.

- (3) Subsections 18 (16), (17) and (18) and sections 20 and Application 23 of the Environmental Assessment Act do not apply to a R.S.O. 1980, decision of the Environmental Assessment Board made in a c. 140 hearing under this section.
- (4) The Environmental Assessment Board shall serve Decision notice of its decision, together with reasons therefor, on the parties to the hearing, and the Director shall implement the decision.

- (5) The Environmental Assessment Board may award the Costs costs of a hearing before it.
- (6) The Environmental Assessment Board may order by Payment whom and to whom the costs are to be paid.

Assessment

(7) The Environmental Assessment Board may fix the amount of the costs awarded or direct that the amount be assessed and specify the scale according to which they are to be assessed and by whom they are to be assessed.

Government funding not to reduce costs award (8) The amount of the costs awarded to a person who intervened in a hearing under this section shall be fixed or assessed without any deduction for an amount paid to the person by the Crown in respect of the hearing that is repayable to the Crown.

Appeal from decision of Environmental Assessment Board

- **33a.**—(1) A party to a proceeding under this Act before the Environmental Assessment Board may appeal from its decision,
  - (a) on a question of law, to the Divisional Court;
  - (b) on a question other than a question of law, to the Lieutenant Governor in Council.

Time to appeal to Cabinet

(2) An appeal under clause (1) (b) shall be made in writing within thirty days after the appealing party receives the decision of the Environmental Assessment Board.

Powers of Cabinet on appeal

- (3) In an appeal under clause (1) (b), the Lieutenant Governor in Council shall confirm, alter or revoke the decision of the Environmental Assessment Board, substitute for the decision of the Board such decision as it considers appropriate or, by notice in writing to the Environmental Assessment Board, require it to hold a new hearing with respect to all or any part of the subject-matter of the decision.
- 23.—(1) Subsection 35 (1) of the said Act is amended by striking out "Minister" in the third line and inserting in lieu thereof "Director".
- (2) Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

When Environmental Assessment Board to hold public hearing

- (2) Upon receipt of notice from the Director, the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice.
  - (3) Subsection 35 (4) of the said Act is repealed.
- (4) Subsection 35 (5) of the said Act is amended by striking out "Minister" in the first line and inserting in lieu thereof "Director".

(5) Subsection 35 (6) of the said Act is repealed and the following substituted therefor:

**ENVIRONMENT STATUTE LAW** 

- (6) The Environmental Assessment Board may order that Order the by-law referred to in subsection (1) does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto.
- 24. Clause 47a (2) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 2, is repealed and the following substituted therefor:
  - (b) that the continued operation of the vehicle will result or is likely to result in an adverse effect.
- 25.—(1) Subsection 47b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 2, is amended by striking out "any of the effects mentioned in subsection 47a (2)" in the last line and inserting in lieu thereof "an adverse effect".
- (2) Clause 47b (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 2, is amended by striking out "any of the effects mentioned in subsection 47a (2)" in the last line and inserting in lieu thereof "an adverse effect".
- 26. Subsection 68 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 11, is further amended by striking out "deposit, addition, emission or" in the third last and second last lines.
- 27. The heading to Part VIII of the said Act is repealed and the following substituted therefor:

#### LITTER, PACKAGING AND CONTAINERS

- 28. Clause 79 (1) (b) of the said Act is repealed.
- 29.—(1) Subsection 80 (1) of the said Act is repealed and the following substituted therefor:
- (1) Every person having control of a pollutant that is spilled Notice to and every person who spills or causes or permits a spill of a others pollutant that causes or is likely to cause an adverse effect shall forthwith notify the following persons of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto,

(a) the Ministry;

- (b) the municipality or, if the spill occurred within the boundaries of a regional municipality, the regional municipality within the boundaries of which the spill occurred:
- (c) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant; and
- (d) where the person is not the person having control of the pollutant and knows or is able to ascertain readily the identity of the person having control of the pollutant, the person having control of the pollutant.
- (2) Subsection 80 (2) of the said Act is amended by striking out "adverse effects" in the fifth and sixth lines and inserting in lieu thereof "an adverse effect".
- **30.**—(1) Subsection 81 (1) of the said Act is amended by striking out "adverse effects" in the third line and inserting in lieu thereof "an adverse effect" and by striking out "effects" in the fifth line and inserting in lieu thereof "effect".
- (2) Subsection 81 (2) of the said Act is amended by striking out "adverse effects" in the last line and inserting in lieu thereof "an adverse effect".
- **31.**—(1) Subsection 82 (1) of the said Act is amended by striking out "adverse effects" in the second and third lines and inserting in lieu thereof "an adverse effect".
- (2) Subsection 82 (3) of the said Act is amended by striking out "effects" in the fifth line and inserting in lieu thereof "effect".
- **32.** Section 83 of the said Act is repealed and the following substituted therefor:

Entry and removal

- **83.**—(1) For the purpose of carrying out any duty imposed or order or direction made or given under this Part, any person subject to the duty or to whom the order or direction is made or given and that person's employees and agents may,
  - (a) enter any place;
  - (b) construct structures and use machinery, structures, materials and equipment therein or thereon; and

- (c) remove therefrom the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant.
- (2) The rights set out in subsection (1) may be enforced by Enforcement application without notice to a judge of the Supreme Court or entry, etc. a local judge of the High Court by a person, employee or agent referred to in subsection (1).

(3) Where the judge or local judge is satisfied that there is Order by reasonable ground for believing that it is necessary to do anything mentioned in subsection (1), the judge or local judge may issue an order authorizing the person and the person's employees and agents or any one or more of them to do anything mentioned in subsection (1) and specified in the order.

(4) An order under subsection (3) shall be carried out When to be between 6 a.m. and 9 p.m. standard time, unless the order otherwise authorizes.

- 33. Subsection 85 (1) of the said Act is amended by striking out "are or are likely to be adverse effects" in the second and third lines and inserting in lieu thereof "is or is likely to be an adverse effect".
- 34.—(1) Subclause 87 (2) (a) (i) of the said Act is amended by striking out "adverse effects" in the second line and inserting in lieu thereof "an adverse effect".
- (2) Subclause 87 (4) (b) (i) of the said Act is amended by striking out "effects" in the second line and inserting in lieu thereof "effect".
- 35. Subsection 88 (1) of the said Act is amended by striking out "adverse effects" in the second line and inserting in lieu thereof "an adverse effect".
- 36. Subsection 89 (10) of the said Act is amended by striking out "discharged" in the seventh line and inserting in lieu thereof "released".
- 37. Subclause 91 (1) (a) (i) of the said Act is amended by striking out "adverse effects" in the second line and inserting in lieu thereof "an adverse effect".
- 38. Subsection 98 (5) of the said Act is amended by striking out "discharged" in the seventh line and inserting in lieu thereof "released".

- **39.**—(1) Clause 113 (1) (a) of the said Act is amended by striking out "addition, emission or" in the first and second lines.
- (2) Clause 113 (1) (b) of the said Act is amended by striking out "addition, emission or" in the first line.
- (3) Clause 113 (1) (c) of the said Act is amended by striking out "added, emitted or" in the third line.
- (4) Clause 113 (1) (d) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 15, is further amended by striking out "addition, emission or" in the third line.
- **40.** Section 117 of the said Act is amended by striking out "adding to, emitting or" in the fourth line.
- **41.**—(1) Subsection 121 (2) of the said Act is amended by striking out "or" at the end of clause (b), by inserting "or" at the end of clause (c) and by adding thereto the following clause:
  - (d) imposes new terms and conditions to a certificate of approval,
- (2) Section 121 of the said Act is amended by adding thereto the following subsection:

Exception

- (3) Subsections (1) and (2) do not apply with respect to a decision of the Environmental Assessment Board that is implemented by the Director in accordance with subsection 33 (4).
- **42.** Section 126 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 9, is repealed and the following substituted therefor:

Inspection by provincial officer

- 126.—(1) For the administration of this Act or the regulations, a provincial officer may, without a warrant or court order, at any reasonable time and with any reasonable assistance, make inspections, including,
  - (a) entering any part of the natural environment to ascertain the extent, if any, to which contaminants have caused an adverse effect, the causes therefor, and how any adverse effect may be prevented, elim-

- inated or ameliorated and the natural environment restored;
- (b) entering any place in which the provincial officer reasonably believes can be found waste to which Part V applies;
- (c) entering any place in or from which the provincial officer reasonably believes a contaminant is being, has been or may be discharged into the natural environment;
- (d) entering any place that the provincial officer reasonably believes is likely to contain documents related to.
  - (i) an activity or undertaking that is, or is required to be, the subject of a permit, licence, certificate of approval, provisional certificate of approval, program approval, agreement or order under this Act or the regulations, or
  - (ii) the discharge of a contaminant into the natural environment;
- (e) entering any place that the provincial officer reasonably believes is, or is required to be, subject to or referred to in a permit, licence, approval, certificate of approval, provisional certificate of approval, program approval, agreement or order under this Act or the regulations;
  - (f) stopping any vehicle or vessel that the provincial officer reasonably believes,
    - (i) is being operated in contravention of this Act or the regulations,
    - (ii) is discharging or has discharged a contaminant that causes or is likely to cause an adverse effect,
    - (iii) is or is required to be subject to or referred to in a certificate of approval, provisional certificate of approval or order under this Act or the regulations, or
    - (iv) is being used in the commission of an offence under this Act:

- (g) stopping any vehicle or vessel to ascertain whether the vehicle or vessel complies with this Act and the regulations;
- (h) entering any place where a motor, motor vehicle or beverage container regulated by or under this Act is stocked, displayed, sold or offered for sale to carry out his or her duties under Part III or VIII, as the case may be;
- entering any establishment for the repair of motors (i) or motor vehicles, to carry out his or her duties under Part III:
- entering any ice shelter to carry out his or her (i) duties under Part IV;
- (k) entering any abandoned motor vehicle to carry out his or her duties under Part VI;
- entering any place where the provincial officer rea-(1) sonably believes the permit and plates of a vehicle may be found in order to seize them in accordance with section 47a or 47b:
- (m) where a pollutant as defined in Part IX is spilled and is likely to cause an adverse effect, entering any place for the purpose of carrying out any duty imposed or order or direction made or given under that Part:
- (n) making necessary excavations;
- (o) requiring that any thing be operated, used or set in motion under conditions specified by the provincial officer;
- (p) taking samples;
- (q) recording or copying any information by any method;
- (r) requiring the production of any document that is required to be kept under this Act or the regulations, and any other document that is related to the purposes of the inspection;
- upon giving a receipt therefor, removing from a place documents produced pursuant to a requirement under clause (r) for the purpose of making

copies or extracts and promptly returning them to the person who produced them; and

- making reasonable inquiries of any person, orally or in writing.
- (2) The operator of a vehicle or vessel shall stop the vehicle Requirement or vessel when required to do so by a provincial officer who is readily identifiable as such.

(3) Upon request, a provincial officer who exercises a Identification power set out in subsection (1) shall identify himself or herself of provincial officers as a provincial officer either by the production of a copy of his or her designation or in some other manner and shall explain the purpose of the inspection.

- (4) A provincial officer who exercises the power set out in Power to clause (1) (t) may exclude from the questioning any person exclude persons except counsel for the individual being questioned.
- (5) A person shall not exercise a power conferred by this Act to enter a room actually used as a dwelling without the consent of the occupier except under the authority of an order under section 127.

Entry to dwellings

(6) A provincial officer who exercises any power set out in Power to subsection (1) or 126a (1) may, if the provincial officer is desother statutes ignated as such under the Ontario Water Resources Act or the R.S.O. 1980, Pesticides Act, as the case may be, do anything authorized by,

administer cc. 361, 376

- (a) subsection 10 (1) or 10a (1) of the Ontario Water Resources Act: or
- (b) subsection 19 (1) of the *Pesticides Act*.

**126a.**—(1) Where a thing, including a vehicle or vessel, is Detention or discharging or is likely to discharge a contaminant into the natural environment which causes or is likely to cause an adverse effect, a provincial officer may, without a warrant or court order, protect or conserve the natural environment by,

- (a) giving the person responsible for the thing a direction in writing requiring that the thing be detained at the place where it is found; or
- (b) removing the thing or causing it to be removed from the place where it is found and giving a receipt for

Limitation

(2) A person shall not detain or remove a thing under subsection (1) for more than two days excluding holidays without the consent of the person responsible for it except under the authority of an order under section 127.

Idem

- (3) Subsection 126 (3) applies with necessary modifications to a provincial officer exercising the power set out in subsection (1).
- 43.—(1) Subsection 127 (1) of the said Act is repealed and the following substituted therefor:

Entry or inspection order

- (1) Where a provincial judge or justice of the peace is satisfied, on evidence upon oath by a provincial officer, that there is reasonable ground for believing that it is appropriate for the administration of this Act or the regulations for the provincial officer to do anything set out in clauses 126 (1) (a) to (s) and that the provincial officer may not be able to effectively carry out his or her duties without an order under this section because,
  - (a) no occupier is present to grant access to a place that is locked or otherwise inaccessible;
  - (b) a person has prevented the provincial officer from doing anything set out in clauses 126 (1) (a) to (s);
  - (c) there is reasonable ground to believe that a person may prevent a provincial officer from doing anything set out in clauses 126 (1) (a) to (s);
  - (d) it is impractical, because of the remoteness of the place to be inspected or because of any other reason, for the provincial officer to obtain an order under this section without delay if access is denied; or
  - (e) there is reasonable ground to believe that an attempt by the provincial officer to do anything set out in clauses 126 (1) (a) to (s) without the order might defeat the purpose thereof or endanger human life, health, property or the natural environment,

the judge or justice may issue or renew an order authorizing a provincial officer to do anything set out in clauses 126 (1) (a) to (s) and specified in the order for the period of time set out in the order.

- (2) Subsections 127 (1a), (1b) and (1c) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 52, section 20, are repealed and the following substituted therefor:
- (1a) Where a provincial judge or justice of the peace is sat- Detention or isfied, on evidence upon oath by a provincial officer, that order there is reasonable ground to believe that a thing detained or removed under subsection 126a (1) should be detained or removed, as the case may be, for longer than two days excluding holidays to protect or conserve the natural environment. the judge or justice may issue or renew an order authorizing a provincial officer to detain or remove the thing for the period of time set out in the order.

- (3) Subsection 127 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 20, is repealed and the following substituted therefor:
- (2) Unless renewed, an order under this section expires not Renewal later than thirty days after the date on which it is made, and may be renewed for any reason set out in subsection (1) or (1a) before or after expiry for one or more periods each of which is not more than thirty days.

(2a) An order under this section shall be carried out When to be between 6 a.m. and 9 p.m. standard time, unless the order otherwise authorizes.

(2b) An order under this section for a reason mentioned in When notice subsection (1) may be issued or renewed upon application without notice.

not required

(2c) An order under this section for a reason mentioned in subsection (1a) shall not be issued or renewed except upon application with notice to the person responsible for the thing to be detained or removed.

When notice required

- 44. The said Act is amended by adding thereto the following sections:
- 127a. A provincial officer may detain samples and copies Samples and obtained under section 126 or 127 for any period and for any of the purposes of this Act and the regulations.

copies

**127b.**—(1) A provincial officer may, without a warrant or Seizure court order, seize any thing that is produced to the provincial officer, or that is in plain view, during an inspection under section 126 or 127 if the provincial officer reasonably believes that there has been a contravention of this Act or the regu-

lations and that the thing will afford evidence of the contravention.

Possession

(2) The provincial officer may remove the thing seized or may detain it in the place where it is seized.

Notice of reason for seizure

(3) The provincial officer shall inform the person from whom the thing was seized as to the reason for the seizure and shall give the person a receipt for it.

Definition

- **127c.**—(1) In this section, "offence" means an offence under this Act related to,
  - (a) the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect; or
  - (b) hazardous waste or hauled liquid industrial waste.

Search by provincial officer re actual pollution

- (2) A provincial officer may, without a search warrant, search any place other than a room actually used as a dwelling if the provincial officer has reasonable ground to believe,
  - (a) that an offence has been committed;
  - (b) that there is in such place any thing that will afford evidence as to the commission of the offence; and
  - (c) that there are exigent circumstances that make it impractical to obtain a search warrant.

Seizure

(3) A provincial officer may seize any thing that is found by the provincial officer during a search under subsection (2) if the provincial officer reasonably believes that the thing will afford evidence of the commission of an offence.

Receipt

(4) A provincial officer who seizes any thing during a search under subsection (2) shall give a receipt for the thing to the person from whom it was seized.

Report to justice

**127d.**—(1) A provincial officer who seizes any thing during an inspection or search under section 127b or 127c shall bring the thing seized before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

Application of R.S.O. 1980, c. 400, ss. 143, 144

(2) Sections 143 and 144 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized by a provincial officer during an inspection or search under section 127b or 127c.

- 127e. A provincial officer may use such force as is reason- Use of force ably necessary,
  - (a) to carry out an order or direction issued under this Part or Part IX:
  - (b) to execute a warrant issued under the Provincial R.S.O. 1980, Offences Act; or
  - (c) to prevent the destruction of any thing that the provincial officer reasonably believes may afford evidence of a contravention of this Act or the regulations.
- 127f. A provincial officer who makes or causes the mak-Restoration ing of an excavation in the course of his or her duties under this Act shall restore the property, so far as is reasonably possible, to the condition it was in before the excavation was made.

127g. It is a condition of every licence, permit, certificate Condition of approval or provisional certificate of approval under this Act that the holder must forthwith on request permit provincial officers to carry out inspections authorized by section 126, 126a or 127 of this Act, section 10, 10a or 10b of the Ontario R.S.O. 1980, Water Resources Act or section 19 or 19a of the Pesticides Act cc. 361, 376 of any place, other than any room actually used as a dwelling, to which the licence, certificate of approval or provisional certificate of approval relates.

- 45.—(1) Clause 136 (1) (b) of the said Act is amended by striking out "depositing, addition, emission or" in the first and second lines.
- (2) Subsection 136 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23, is further amended by adding thereto the following clauses:
  - (ab) requiring the filing of returns concerning any matter regulated by or under this Act:
  - (la) requiring the payment of fees by applicants or any class of applicants for certificates of approval, and providing for refunds of the fees;
  - (lb) prescribing the amounts or the method of calculating the amounts of the fees for certificates of approval, and prescribing minimum and maximum

- amounts or the method of calculating the minimum and maximum amounts of the fees;
- (lc) respecting the payment to municipalities of the fees for certificates of approval and the retention of all or part of the fees by the municipalities;
- (o) requiring and regulating the storage, treatment and disposal of sewage in vessels and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in vessels unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment and prohibiting and regulating the discharge of sewage from such vessels;
- (p) regulating and controlling, for the purpose of preventing or reducing the pollution of any water or places located on or adjacent to any water where moorings are provided for vessels or where any services are provided for vessels or the occupants thereof, and regulating and governing persons providing such moorings or services;
- (q) defining sewage for the purposes of regulations made under clauses (o) and (p).
- (3) Clause 136 (1) (n) of the said Act is amended by striking out "for" in the second line and in the third line.
- (4) Clause 136 (2) (b) of the said Act is amended by striking out "emission" in the fourth line and inserting in lieu thereof "discharge".
- (5) Clause 136 (2) (c) of the said Act is amended by striking out "emission" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "discharge".
- (6) Clause 136 (2) (d) of the said Act is repealed and the following substituted therefor:
  - (d) prescribing the standards of emission into the natural environment of any contaminant with which any motor or motor vehicle or any class or type of motor or motor vehicle shall comply and providing for the testing and inspection of any such motor, motor vehicle, class or type.

- (7) Clauses 136 (3) (a), (b) and (c) of the said Act are repealed.
- (8) Clause 136 (6) (c) of the said Act is amended by inserting after "sale" where it appears the first time in the second line "advertising".
- (9) Subclause 136 (6) (c) (i) of the said Act is amended by inserting after "sale" where it appears the first time in the second line "advertising".
- (10) Clause 136 (6) (d) of the said Act is amended by inserting after "sale" where it appears the first time in the first line "stocking, display, advertising".
- (11) Clause 136 (6) (j) of the said Act is amended by inserting after "use" in the first line "advertising".
  - (12) Subsection 136 (7) of the said Act is amended,
    - in clause (a), by striking out "89 (1)" in the second line and inserting in lieu thereof "88 (1)";
    - in clause (b), by striking out "90 (1)" in the third **(b)** line and inserting in lieu thereof "89 (1)";
    - in clause (c), by striking out "90 (1)" in the second (c) line and inserting in lieu thereof "89 (1)"; and
    - in clause (d), by striking out "80 (2)" in the second (d) line and inserting in lieu thereof "79 (2)".
- 46. The said Act is further amended by adding thereto the following section:

# **141.**—(1) In this section,

Definitions

"commercial motor vehicle" and "motor vehicle" have the same meanings as in the Highway Traffic Act;

R.S.O. 1980, c. 198

"offence notice or summons" means an offence notice or summons under Part I of the Provincial Offences Act.

R.S.O. 1980,

(2) Delivery of an offence notice or summons to the opera- Service of tor of a commercial motor vehicle in respect of an offence notice or under this Act related to the use of the vehicle shall be summons deemed to be personal service of the offence notice or summons on the owner or lessee of the vehicle who is named in the offence notice or summons.

offence

Employer

(3) Delivery of an offence notice or summons to the operator of a motor vehicle in respect of an offence under this Act related to the use of the vehicle in the course of the operator's employment shall be deemed to be personal service of the offence notice or summons on the employer of the operator of the vehicle.

Corporation R.S.O. 1980, c. 400

- (4) Subsections 27 (4), (5) and (6) of the *Provincial Offences Act* apply with necessary modifications to the service of an offence notice or summons in respect of an offence under this Act on a corporation,
  - (a) that is or is required to be the holder of a document mentioned in clause 126 (1) (e);
  - (b) that is subject to a document mentioned in clause 126 (1) (e); or
  - (c) that is or is required to be the holder of a generator registration document mentioned in Regulation 309 of Revised Regulations of Ontario, 1980.

Exception

(5) Subsection (2) does not apply if, at the time of the offence, the vehicle was in the possession of the operator without the consent of the owner or lessee of the vehicle, as the case may be, but the burden of proof of that shall be on the owner or lessee of the vehicle.

Permit holder deemed owner R.S.O. 1980, c. 198 (6) For the purposes of this section, the holder of a permit under Part II of the *Highway Traffic Act* shall be deemed to be the owner of the vehicle referred to in the permit if a number plate under that Part bearing a number that corresponds to the permit was displayed on the vehicle at the time the offence was committed.

Application of subs. (6)

- (7) Subsection (6) does not apply if the number plate was displayed on the vehicle without the consent of the holder of the permit, but the burden of proof of that shall be on the holder of the permit.
- 47. The said Act is further amended by adding thereto the following section:

Presiding judge

- **145a.** The counsel or agent acting on behalf of the Crown, by notice to the clerk of the Provincial Offences Court, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.
- 48. Clause 146b (a) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 15, is amended by

striking out "Litter" in the second line and inserting in lieu thereof "Litter, Packaging and Containers".

- 49.—(1) Subsection 147 (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 4 and amended by the Statutes of Ontario, 1986, chapter 68, section 16, is repealed and the following substituted therefor:
- (1) Where any person is convicted of an offence under this Penalty Act or under subsection 16 (1) of the Ontario Water Resources liquid Act in respect of hauled liquid industrial waste or hazardous industrial waste as designated in the regulations relating to Part V of hazardous this Act and the action or failure to act for which the person is waste convicted may result in an adverse effect, the person is, R.S.O. 1980, instead of the fine elsewhere provided for the offence, liable c. 361 on conviction.

where hauled waste or

- (a) for each day or part of a day on which the offence occurs or continues to a fine of not less than \$2,000 and not more than \$5,000 on a first conviction and not less than \$4,000 and not more than \$15,000 on each subsequent conviction:
- (b) to imprisonment for a term of not more than one year; or
- (c) to both such fine and imprisonment.
- (2) Subsection 147 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 16, is amended by striking out "any of the effects mentioned in clauses (1) (a) to (h)" in the second and third lines and inserting in lieu thereof "an adverse effect".
- (3) Subsection 147 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 16, is amended by striking out "any of the effects mentioned in clauses (1) (a) to (h)" in the second and third lines and inserting in lieu thereof "an adverse effect".
- 50. Subsection 147a (1) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 17, is amended by striking out "deposit, addition, emission or" in the second and third lines and in the sixth line.

### **PART II**

#### Ontario Water Resources Act

- 51. Section 1 of the Ontario Water Resources Act, being chapter 361 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 68, section 18, is further amended by re-lettering clause (ia) as (ib) and by adding thereto the following clauses:
  - (ia) "discharge", when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak;

(ja) "inspection" includes an audit, examination, survey, test and inquiry;

(oa) "person" includes a municipality;

(ob) "place" includes a building, structure, machine, vehicle or vessel:

(qa) "provincial officer" means a person who is designated under section 4:

(ta) "waters" means a well, lake, river, pond, spring, stream, reservoir, artificial watercourse, intermittent watercourse, ground water or other water or watercourse.

52. Section 4 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 51, section 1, is further amended by adding thereto the following subsections:

Provincial officers

(3) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations.

Idem

(4) A person who is an agent of the Minister for the purposes of subsection 10 (1), as it existed immediately before section 52 of the Environment Statute Law Amendment Act, 1988, c. 54

1988 comes into force, shall be deemed to be designated under subsection (3) until the 30th day of June, 1989.

## 53. Section 6 of the said Act is repealed and the following substituted therefor:

6.—(1) Upon receipt of a notice from a Director under Hearing subsection 25 (1), 26 (1) or 43 (4), the Environmental Assessment Board shall hold a hearing with respect to the subject-mental matter of the notice, unless subsection 6a (2) applies.

Assessment

(2) The applicant, the Director and any other persons spec-Parties ified by the Environmental Assessment Board shall be parties to the hearing.

- (3) Subsections 18 (16), (17) and (18) and sections 20 and Application 23 of the Environmental Assessment Act do not apply to a R.S.O. 1980, decision of the Environmental Assessment Board made in a c. 140 hearing under this section.
- (4) The Environmental Assessment Board shall serve Decision notice of its decision, together with reasons therefor, on the parties to the hearing, and the Director shall implement the decision.

- (5) The Environmental Assessment Board may award the Costs costs of a hearing before it.
- (6) The Environmental Assessment Board may order by Payment whom and to whom the costs are to be paid.
- (7) The Environmental Assessment Board may fix the Assessment amount of the costs awarded or direct that the amount be assessed and specify the scale according to which they are to be assessed and by whom they are to be assessed.

(8) The amount of the costs awarded to a person who inter-Government vened in a hearing under this section shall be fixed or assessed to reduce without any deduction of an amount paid to the person by the costs award Crown in respect of the hearing that is repayable to the Crown.

funding not

6a.—(1) Where the Environmental Assessment Board has Notice of given notice of a hearing under this Act, any person objecting to the action proposed under subsection 25 (1) or 26 (1) or the order referred to in subsection 43 (2) may serve notice of the objection, together with the reasons in support of it, on the Board within fifteen days after the notice of hearing is given.

Hearing not required

(2) If no objections are received within the fifteen days, or if the Environmental Assessment Board is of the opinion that the objections are insufficient, the Environmental Assessment Board is not required to hold a hearing.

Extension

(3) Where the Environmental Assessment Board considers it appropriate in the circumstances, it may extend the period provided under subsection (1) for serving an objection.

Appeal from decision of Environmental Assessment Board

- **6b.**—(1) A party to a proceeding under this Act before the Environmental Assessment Board may appeal from its decision,
  - (a) on a question of law, to the Divisional Court;
  - (b) on a question other than a question of law, to the Lieutenant Governor in Council.

Time to appeal to cabinet

(2) An appeal under clause (1) (b) shall be made in writing within thirty days after the appealing party receives the decision of the Environmental Assessment Board.

Powers of Cabinet on appeal

- (3) In an appeal under clause (1) (b), the Lieutenant Governor in Council shall confirm, alter or revoke the decision or order of the Environmental Assessment Board, substitute for the decision of the Board such decision as it considers appropriate or, by notice in writing to the Environmental Assessment Board, require it to hold a new hearing with respect to all or any part of the subject-matter of the decision.
- **54.**—(1) Clause 7 (1) (a) of the said Act is amended by striking out "municipalities and" in the third line.
- (2) Clause 7 (1) (b) of the said Act is amended by striking out "municipalities and" in the third line.
- (3) Subsection 7 (2) of the said Act is amended by striking out "municipalities or" in the third line.
- 55. The said Act is amended by adding thereto the following sections:

Order, etc., binds successor or assignee **9a.**—(1) An order, approval, requirement, direction or report of a court, the Minister or a Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

Record

(2) The Ministry shall maintain a record of orders, approvals, requirements, directions and reports issued under this Act.

(3) When an order, approval, requirement, direction or Record of report has expired or is revoked or set aside, the Ministry expiry, revocation, shall include that fact in the record.

setting aside

(4) The Ministry shall, upon the request of any person, Search of make a search of the records and inform the person making the request as to whether an order, approval, requirement, direction or report has been issued and shall permit inspection of it.

9b. In sections 10 to 10i, "adverse effect", "contaminant" Definitions and "natural environment" have the same meanings as in the Environmental Protection Act.

R.S.O. 1980,

## 56.—(1) Subsection 10 (1) of the said Act is repealed and the following substituted therefor:

(1) For the administration of this Act or the regulations, a Inspection by provincial officer may, without a warrant or court order, at officer any reasonable time and with any reasonable assistance, make inspections, including,

- (a) entering any part of the natural environment to ascertain the extent, if any, to which contaminants have caused an adverse effect, the causes therefor, and how any adverse effect may be prevented, eliminated or ameliorated and the natural environment restored:
- (b) entering any place to ascertain the quality or quantity of water, the reasons therefor, and how any impairment thereof may be prevented, eliminated or ameliorated:
- entering any place in or from which the provincial officer reasonably believes a contaminant is being, has been or may be discharged into the natural environment:
- (d) entering any place that the provincial officer reasonably believes is likely to contain documents related to.
  - (i) an activity or undertaking that is, or is required to be, the subject of a permit, licence, approval, requirement, direction, report, notice, agreement or order under this Act or the regulations, or

- (ii) the discharge of a contaminant into the natural environment;
- (e) entering any place that the provincial officer reasonably believes is, or is required to be, subject to or referred to in a permit, licence, approval, requirement, direction, report, notice, agreement or order under this Act or the regulations;
- (f) stopping any vehicle or vessel that the provincial officer reasonably believes,
  - (i) is being operated in contravention of this Act or the regulations,
  - (ii) is discharging or has discharged a contaminant that causes or is likely to cause an adverse effect.
  - (iii) is or is required to be subject to or referred to in a permit, licence, approval, requirement, direction, report, notice, agreement or order under this Act or the regulations, or
  - (iv) is being used in the commission of an offence under this Act;
- (g) stopping any vehicle or vessel to ascertain whether the vehicle or vessel complies with this Act and the regulations;
- (h) making necessary excavations;
- (i) requiring that any thing be operated, used or set in motion under conditions specified by the provincial officer;
- (j) taking samples;
- (k) recording or copying any information by any method;
- (l) requiring the production of any document that is required to be kept under this Act or the regulations, and any other document that is related to the purposes of the inspection;
- (m) upon giving a receipt therefor, removing from a place documents produced pursuant to a requirement under clause (l) for the purpose of making

copies or extracts and promptly returning them to the person who produced them; and

- (n) making reasonable inquiries of any person, orally or in writing.
- (2) Section 10 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 22, is further amended by adding thereto the following subsections:
- (3a) The operator of a vehicle or vessel shall stop the vehicle or vessel when required to do so by a provincial officer who is readily identifiable as such.

Requirement to stop

(3b) Upon request, a provincial officer who exercises a Identification power set out in subsection (1) shall identify himself or herself of provincial officer as a provincial officer either by the production of a copy of his or her designation or in some other manner and shall explain the purpose of the inspection.

(3c) A provincial officer who exercises the power set out in Power to clause (1) (n) may exclude from the questioning any person except counsel for the individual being questioned.

(3d) A person shall not exercise a power conferred by this Act to enter a room actually used as a dwelling without the consent of the occupier except under the authority of an order under section 10b.

Entry to dwellings

(3e) A provincial officer who exercises any power set out in subsection (1) or 10a (1) may, if the provincial officer is designated as such under the Environmental Protection Act or the Pesticides Act, as the case may be, do anything authorized by,

Power to administer other statutes

R.S.O. 1980, cc. 141, 376

- (a) subsection 126 (1) or 126a (1) of the Environmental Protection Act: or
- (b) subsection 19 (1) of the Pesticides Act.

## 57. The said Act is further amended by adding thereto the following sections:

10a.—(1) Where a thing, including a vehicle or vessel, is Detention or discharging or is likely to discharge a contaminant into the natural environment which causes or is likely to cause an adverse effect, a provincial officer may, without a warrant or court order, protect or conserve the natural environment by,

removal

- (a) giving the person responsible for the thing a direction in writing requiring that the thing be detained at the place where it is found; or
- (b) removing the thing or causing it to be removed from the place where it is found and giving a receipt for it.

Limitation

(2) A person shall not detain or remove a thing under subsection (1) for more than two days excluding holidays without the consent of the person responsible for it except under the authority of an order under section 10b.

Idem

(3) Subsection 10 (3b) applies with necessary modifications to a provincial officer exercising the power set out in subsection (1).

Entry or inspection order

- **10b.**—(1) Where a provincial judge or justice of the peace is satisfied on evidence upon oath by a provincial officer that there is reasonable ground for believing that it is appropriate for the administration of this Act or the regulations for the provincial officer to do anything set out in clauses 10 (1) (a) to (m) and that the provincial officer may not be able to effectively carry out his or her duties without an order under this section because,
  - (a) no occupier is present to grant access to a place that is locked or otherwise inaccessible;
  - (b) a person has prevented the provincial officer from doing anything set out in clauses 10 (1) (a) to (m);
  - (c) there is reasonable ground to believe that a person may prevent a provincial officer from doing anything set out in clauses 10 (1) (a) to (m);
  - (d) it is impractical, because of the remoteness of the place to be inspected or because of any other reason, for the provincial officer to obtain an order under this section without delay if access is denied; or
  - (e) there is reasonable ground to believe that an attempt by the provincial officer to do anything set out in clauses 10 (1) (a) to (m) without the order might defeat the purpose thereof or endanger human life, health, property or the natural environment,

the judge or justice may issue or renew an order authorizing a provincial officer to do anything set out in clauses 10 (1) (a) to (m) and specified in the order for the period of time set out in the order.

(2) Where a provincial judge or justice of the peace is satis- Detention or fied, on evidence upon oath by a provincial officer, that there order is reasonable ground to believe that a thing detained or removed under subsection 10a (1) should be detained or removed, as the case may be, for longer than two days excluding holidays to protect or conserve the natural environment, the judge or justice may issue or renew an order authorizing a provincial officer to detain or remove the thing for the period of time set out in the order.

(3) Unless renewed, an order under this section expires not Renewal later than thirty days after the date on which it is made, and may be renewed for any reason set out in subsection (1) or (2) before or after expiry for one or more periods each of which is not more than thirty days.

(4) An order under this section shall be carried out between 6 a.m. and 9 p.m. standard time, unless the order otherwise authorizes.

When to be executed

(5) An order under this section for a reason mentioned in subsection (1) may be issued or renewed upon application without notice.

When notice not required

(6) An order under this section for a reason mentioned in subsection (2) shall not be issued or renewed except upon application with notice to the person responsible for the thing to be detained or removed.

When notice required

10c. A provincial officer may detain samples and copies Samples and obtained under section 10 or 10b for any period and for any of the purposes of this Act and the regulations.

**10d.**—(1) A provincial officer may, without a warrant or Seizure court order, seize any thing that is produced to the provincial officer, or that is in plain view, during an inspection under section 10 or 10b if the provincial officer reasonably believes that there has been a contravention of this Act or the regulations and that the thing will afford evidence of the contravention.

(2) The provincial officer may remove the thing seized or Possession may detain it in the place where it is seized.

Bill 148

Notice of reason for seizure (3) The provincial officer shall inform the person from whom the thing was seized as to the reason for the seizure and shall give the person a receipt for it.

Definition

**10e.**—(1) In this section, "offence" means an offence under this Act related to the discharge of any material that may impair the quality of the water of any water or watercourse.

Search by provincial officer re actual pollution

- (2) A provincial officer may, without a search warrant, search any place other than a room actually used as a dwelling if the provincial officer has reasonable ground to believe,
  - (a) that an offence has been committed;
  - (b) that there is in such place any thing that will afford evidence as to the commission of the offence; and
  - (c) that there are exigent circumstances that make it impractical to obtain a search warrant.

Seizure

(3) A provincial officer may seize any thing that is found by the provincial officer during a search under subsection (2) if the provincial officer reasonably believes that the thing will afford evidence of the commission of an offence.

Receipt

(4) A provincial officer who seizes any thing during a search under subsection (2) shall give a receipt for the thing to the person from whom it was seized.

Report to iustice

10f.—(1) A provincial officer who seizes any thing during an inspection or search under section 10d or 10e shall bring the thing seized before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

Application of R.S.O. 1980, c. 400, ss. 143, 144

(2) Sections 143 and 144 of the *Provincial Offences Act* apply with necessary modifications in respect of a thing seized by a provincial officer during an inspection or search under section 10d or 10e.

Use of force

- **10g.** A provincial officer may use such force as is reasonably necessary,
  - (a) to carry out an order issued under this Act;
  - (b) to execute a warrant issued under the *Provincial Offences Act*; or

- (c) to prevent the destruction of any thing that the provincial officer reasonably believes may afford evidence of a contravention of this Act or the regulations.
- 10h. A provincial officer who makes or causes the making Restoration of an excavation in the course of his or her duties under this Act shall restore the property, so far as is reasonably possible, to the condition it was in before the excavation was made.

**10i.** It is a condition of every licence, permit, approval, Condition requirement, direction, report, notice, agreement or order under this Act that the holder must forthwith on request permit provincial officers to carry out inspections authorized by section 10, 10a or 10b of this Act, section 126, 126a or 127 of the Environmental Protection Act or section 19 or 19a of the R.S.O. 1980, Pesticides Act of any place, other than any room actually used as a dwelling, to which the licence, certificate of approval or provisional certificate of approval relates.

cc. 141, 376

- 58. Section 11 of the said Act is amended by striking out "waters" in the fifth line and inserting in lieu thereof "water".
- 59. Section 14 of the said Act is amended by striking out "deposited or" in the fourth line and in the fifth line.
- 60. Subsection 15 (3) of the said Act is repealed and the following substituted therefor:
- (3) Where any person is discharging or causing or permit- Injunction to ting the discharge of any material of any kind into or in or pollution near any waters that, in the opinion of the Minister, may water impair the quality of the water in such waters, the Minister may apply without notice to a judge of the Supreme Court or of the District Court of the district in which the material is being discharged for an order prohibiting such discharge for such period not exceeding twenty-one days and on such terms and conditions as the judge considers proper, and such order may, on application to a judge of the Supreme Court or of the District Court of the district in which the material is being discharged, be continued for such period and on such terms and conditions as the judge considers proper.

- 61. Section 16 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 23, is repealed and the following substituted therefor:
- 16.—(1) Every person that discharges or causes or permits Discharge of the discharge of any material of any kind into or in any waters

polluting material prohibited or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters is guilty of an offence.

Minister to be notified when polluting material is discharged or escapes

- (2) Every person that discharges or causes or permits the discharge of any material of any kind, and such discharge is not in the normal course of events, or from whose control material of any kind escapes into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters, shall forthwith notify the Minister of the discharge or escape, as the case may be.
- **62.** Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

Prohibiting or regulating discharge of sewage

- (1) A Director may by order prohibit or regulate the discharge by any person of sewage into or in any waters, and such order may be amended, varied or revoked by the Director as the Director considers desirable.
- 63. Section 18 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 25, is repealed and the following substituted therefor:

Measures to alleviate effects of impairment of quality of water

- 18. Where, in the opinion of a Director, it is in the public interest to do so, the Director, by order, may require a person who owns, manages or has control of a sewage works, water works or other facility which may discharge material into a water or watercourse that may impair the quality of the water, to do any one or more of the following:
  - 1. To have available at all times, or during the periods specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order to prevent, reduce or alleviate any impairment of the quality of the water or the effects of any impairment of the quality of the water.
  - 2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
  - 3. To implement the procedures specified in the order.
  - 4. To take all steps necessary to ensure that the procedures specified in the order will be implemented in the event that a water or watercourse becomes impaired or may become impaired.

- To monitor and record the quality and quantity of any water specified in the order and to report thereon to the Director.
- To study and to report to the Director upon,
  - i. measures to control the discharge into a water or watercourse of a material specified in the order.
  - ii. the effects of the discharge into a water or watercourse of a material specified in the order.
  - iii. the water or watercourse into which a material specified in the order may be discharged.
- 64.—(1) Clause 19 (1) (b) of the said Act is amended by striking out "deposited" in the third line.
- (2) Subsection 19 (1) of the said Act is amended by striking out "municipality or" in the eleventh line.
- (3) Clause 19 (2) (b) of the said Act is amended by striking out "deposits" in the first line.
- 65.—(1) Subsection 23 (1) of the said Act is repealed and the following substituted therefor:
- (1) No person shall establish, alter, extend or replace new Approval of or existing water works except under and in accordance with water works an approval granted by a Director.

(2) The Director may require an applicant for an approval Director may under subsection (1) to submit plans, specifications, engineer's report and other information and to carry out and report on tests or experiments relating to the water supply or the work to be undertaken and, subject to subsection (4), the Director may grant the approval.

require information

- (2) Subsection 23 (4) of the said Act is repealed and the following substituted therefor:
- (4) If, in the opinion of a Director, it is in the public inter- Approval est to do so, the Director may,

may be subject to conditions,

- (a) refuse to grant the approval;
- (b) grant the approval on such terms and conditions as the Director considers necessary;

- (c) impose new terms and conditions to the approval;
- (d) alter the terms and conditions of the approval; or
- (e) revoke or suspend the approval.
- (3) Subsection 23 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 29, is repealed.
- (4) Subsection 23 (6) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 29, is repealed and the following substituted therefor:

Returns from water works

- (6) The owner of water works shall make returns to a Director of the matters and within the time specified by the Director in a direction to the owner.
- (5) Subsection 23 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 29, is repealed and the following substituted therefor:

No use or operation without approval

- (8) No person shall use or operate water works for which an approval is required under subsection (1) unless the required approval has been granted and complied with.
- **66.**—(1) Subsection 24 (1) of the said Act is repealed and the following substituted therefor:

Approval of Director

(1) No person shall establish, alter, extend or replace new or existing sewage works except under and in accordance with an approval granted by a Director.

Director may require information

- (2) A Director may require an applicant for an approval under subsection (1) to submit plans, specifications, engineer's report and other information and to carry out and report on tests or experiments relating to the location of the discharge of effluent or the work to be undertaken and, subject to subsection (4), the Director may grant the approval.
- (2) Subsection 24 (4) of the said Act is repealed and the following substituted therefor:

Certificate of approval may be subject to conditions, etc.

- (4) If, in the opinion of a Director, it is in the public interest to do so, the Director may, subject to subsections 25 (1) and 26 (1),
  - (a) refuse to grant the approval;
  - (b) grant the approval on such terms and conditions as the Director considers necessary;

- (c) impose new terms and conditions to the approval;
- (d) alter the terms and conditions of the approval; or
- (e) revoke or suspend the approval.
- (3) Subsection 24 (5) of said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 30, is repealed and the following substituted therefor:
- (5) No person shall use or operate sewage works for which No use or an approval is required under subsection (1) unless the without required approval has been granted and complied with.

operation approval

# 67.—(1) Subsection 25 (1) of the said Act is repealed and the following substituted therefor:

(1) Before taking any action under subsection 24 (4) with Sewage respect to a sewage works established or extended or to be established or established or extended by a municipality in or into another extended in municipality or territory without municipal organization, a another Director shall, by a notice in writing, require the Environ-municipality mental Assessment Board to hold a hearing.

or into

(1a) The Environmental Assessment Board shall give at least fifteen days notice of the hearing to the clerk of the municipality in or into which the sewage works are being or have been established or extended and to clerks of such other municipalities and to such other persons and in such manner as the Environmental Assessment Board considers appropriate.

Notice of hearing

(1b) The notice of hearing shall state that a hearing is not Contents of required to be held if no objections are made in accordance with subsection 6a (1).

- (2) Subsection 25 (3) of the said Act is repealed.
- (3) Subsection 25 (10) of the said Act is amended by inserting after "person" in the second line "other than a municipality".
- 68.—(1) Subsection 26 (1) of the said Act is repealed and the following substituted therefor:
- (1) Before taking any action under subsection 24 (4) with Sewage respect to a sewage works established or extended or to be established or established or extended by a person within a single munici- extended pality, a Director may, by a notice in writing, require the municipality Environmental Assessment Board to hold a hearing.

works within a Notice of hearing (1a) Where a hearing is to be held, the Environmental Assessment Board shall give at least fifteen days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Environmental Assessment Board considers appropriate.

Contents of notice

- (1b) The notice of hearing shall state that a hearing is not required to be held if no objections are made in accordance with subsection 6a (1).
  - (2) Subsection 26 (2) of the said Act is repealed.
- (3) Subsection 26 (3) of the said Act is amended by inserting after "person" in the second line "other than a municipality".
- 69. Section 30 of the said Act is repealed and the following substituted therefor:

Construction or operation of approved sewage works by statutory authority R.S.O. 1980, c. 141

- **30.** Sewage works that are being or have been constructed, maintained or operated in compliance with this Act, the *Environmental Protection Act* and the regulations under both Acts and with any order, direction or approval issued under the authority of this Act or any predecessor of any provision of this Act shall be deemed to be under construction, constructed, maintained or operated by statutory authority.
- 70. Section 31 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 31, is repealed and the following substituted therefor:

Returns from sewage works

- **31.** The owner of sewage works shall make returns to a Director of the matters and within the time specified by the Director in a direction to the owner.
- 71. Subsection 32 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 32, is repealed.
- 72. Subsection 33 (2) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 33, is repealed.
- 73. Subsection 34 (6) of the said Act is amended by striking out "discharged" in the last line and inserting in lieu thereof "fulfilled".
- 74. Section 42a of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 51, section 2, is amended by striking out "municipality or other" in the first line.
- 75.—(1) Subsection 43 (4) of the said Act is repealed and the following substituted therefor:

(4) A Director shall, before making an order under sub-Hearing section (2), require the Environmental Assessment Board, by a notice in writing, to hold a hearing.

(4a) The Environmental Assessment Board shall give at Notice least fifteen days notice of the hearing to the clerk of each municipality affected by the proposed order and to such persons and in such manner as the Environmental Assessment Board considers appropriate.

(4b) The notice of hearing shall state that a hearing is not Contents of required to be held if no objections to the establishment or extension are made in accordance with subsection 6a (1).

- (2) Subsection 43 (6) of the said Act is amended by inserting after "every" where it appears the second time in the third line "other".
- (3) Subsection 43 (13) of the said Act is amended by striking out "municipality or" in the first line and by striking out "municipality and" in the thirteenth and fourteenth lines.
- 76.—(1) Subsection 44 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 50, section 2, 1983, chapter 51, section 3 and 1986, chapter 68, section 35, is further amended by striking out "Subject to the approval of the Lieutenant Governor in Council, the Minister" in the first and second lines and inserting in lieu thereof "The Lieutenant Governor in Council".
- (2) The said subsection 44 (1) is further amended by adding thereto the following clauses:
  - (aa) requiring a person who owns, is in occupation or has the charge, management or control of a source of sewage to monitor, record and report on the sources of sewage including, but not limited to, materials and methods of production used and intended to be used, the wastes and sewage that will or are likely to be generated, the water or watercourse, water works, sewage works or plumbing that may be affected by the discharge of the sewage, and to perform and report to the Director on research respecting methods of reducing or preventing the generation of wastes and sewage from the sources of sewage;

- (ja) requiring the payment of fees by applicants or classes of applicants for approvals under section 23 and section 24, and providing for refunds of the fees:
- (jb) prescribing the amounts or the method of calculating the amounts of the fees for approvals, and prescribing minimum and maximum amounts or the method of calculating the minimum and maximum amounts of the fees:
- (jc) respecting the payment to municipalities of the fees for approvals and the retention of all or part of the fees by the municipalities.
- (3) Clause 44 (2) (b) of the said Act is repealed and the following substituted therefor:
  - (b) adopting by reference, in whole or in part, with or without changes, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by an organization accredited by the Standards Council of Canada for that purpose, and prohibiting the use in plumbing of pipes, fittings, fixtures and materials that are not marked as approved by an organization accredited by the Standards Council of Canada for that purpose; and

# 77. Section 49 of the said Act is repealed.

78. The said Act is further amended by adding thereto the following section:

**Definitions** 

**49a.**—(1) In this section,

"commercial motor vehicle" and "motor vehicle" have the same meanings as in the *Highway Traffic Act*;

"offence notice or summons" means an offence notice or summons. "means an offence notice or summons under Part I of the *Provincial Offences Act*."

Service of offence notice or summons (2) Delivery of an offence notice or summons to the operator of a commercial motor vehicle in respect of an offence under this Act related to the use of the vehicle shall be

deemed to be personal service of the offence notice or summons on the owner or lessee of the vehicle who is named in the offence notice or summons.

(3) Delivery of an offence notice or summons to the opera- Employer tor of a motor vehicle in respect of an offence under this Act related to the use of the vehicle in the course of the operator's employment shall be deemed to be personal service of the offence notice or summons on the employer of the operator of the vehicle.

(4) Subsections 27 (4), (5) and (6) of the Provincial Corporation Offences Act apply with necessary modifications to the service of an offence notice or summons in respect of an offence under this Act on a corporation that is or is required to be the holder of or is subject to a document mentioned in clause 126 (1) (e) of the Environmental Protection Act.

R.S.O. 1980. cc. 400, 141

(5) Subsection (2) does not apply if, at the time of the Exception offence, the vehicle was in the possession of the operator without the consent of the owner or lessee of the vehicle, as the case may be, but the burden of proof of that shall be on the owner or lessee of the vehicle.

(6) For the purposes of this section, the holder of a permit Permit holder under Part II of the Highway Traffic Act shall be deemed to owner be the owner of the vehicle referred to in the permit if a num- R.S.O. 1980, ber plate under that Part bearing a number that corresponds c. 198 to the permit was displayed on the vehicle at the time the offence was committed.

(7) Subsection (6) does not apply if the number plate was displayed on the vehicle without the consent of the holder of the permit, but the burden of proof of that shall be on the holder of the permit.

Application of subs. (6)

- 79.—(1) Subsection 51 (1) of the said Act is amended by inserting after "by" in the last line "order of".
- (2) Subsection 51 (2) of the said Act is amended by inserting after "by" in the last line "order of".
- 80. Section 52 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 68, section 38, is repealed and the following substituted therefor:
- 52. If, in the opinion of a Director, a discharge of sewage Discharge of into a sewage works may interfere with the proper operation sewage works of a sewage works, the Director may by order require the per-

son that discharges or causes or permits the discharge of sewage,

- (a) to stop or regulate such discharge; or
- (b) to take action in accordance with and within the time required by the order.
- 81.—(1) Subsection 61 (1) of the said Act is amended by striking out "or municipality" in the fourth line and in the eighth line.
- (2) Subsection 61 (2) of the said Act is repealed and the following substituted therefor:

When approval, etc., refused

- (2) When a Director,
  - (a) refuses to issue or renew, or cancels or suspends a licence or permit, or refuses to grant an approval;
  - (b) imposes terms and conditions in issuing a licence or permit or in granting an approval;
  - alters the terms and conditions of a permit or approval after it is issued or granted;
  - (d) imposes new terms and conditions on a permit or approval after it is issued or granted; or
  - (e) gives or makes any notice, direction, report or order, except an order under section 43,

the Director shall serve written notice of the refusal, cancellation or suspension referred to in clause (a), the terms and conditions imposed or altered as referred to in clause (b), (c) or (d), or a written copy of the notice, direction, report or order referred to in clause (e), and written reasons therefor, upon the applicant or the person to whom the licence, permit, approval, direction, order, report or notice is issued or granted.

Hearing may be required

(2a) The applicant or person may, by written notice served upon the Director and the Environmental Appeal Board within fifteen days after the service of the notice referred to in subsection (2), require a hearing by the Environmental Appeal Board.

Exception

(2b) Subsections (2) and (2a) do not apply with respect to a decision of the Environmental Assessment Board that is implemented by a Director in accordance with subsection 6 (4).

- (3) Subsection 61 (4) of the said Act is amended by striking out "applicant, person or municipality" in the first line and inserting in lieu thereof "applicant or person".
- 82. The said Act is further amended by adding thereto the following sections:
- **65a.** The counsel or agent acting on behalf of the Crown, by notice to the clerk of the Provincial Offences Court, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.

Presiding

65b.—(1) Any notice, requirement, direction, order, Service report, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

(2) Where service is made by registered mail, the service When service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the document until a later date.

- 83. Subsection 67 (2) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is amended by striking out "municipality or other" in the first line.
- 84. Subsection 68 (2) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is amended by striking out "municipality or other" in the first line.
- 85. Section 69 of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is repealed and the following substituted therefor:
- 69. For the purposes of determining the penalty to which Subsequent a person is liable under section 67 or 68, a conviction for an offence under this Act is a subsequent conviction if the person has previously been convicted of an offence under,

conviction

(a) this Act, other than an offence related to subsection 44 (2) or sections 45 to 48;

R.S.O. 1980, c. 141 (b) the Environmental Protection Act, other than for an offence related to Part VII or Part VIII; or

R.S.O. 1980, c. 376

- (c) the Pesticides Act.
- 86. Section 73 of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41, is amended by striking out "municipality or other" in the third line and in the last line.
- 87. Subsection 75 (1) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 42, is repealed and the following substituted therefor:

Duty of director or officer

- (1) Every director or officer of a corporation that engages in an activity that may result in the discharge of any material into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters contrary to this Act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful discharge.
- 88. The said Act is further amended by striking out "municipality or" in each instance where it occurs,
  - (a) in section 28, clause 43 (2) (c), subsections 43 (3), 43 (8), 43 (9), 44 (1) and sections 55 and 60; and
  - (b) in the following provisions:
    - 1. Subsection 56 (2), as enacted by the Statutes of Ontario, 1986, chapter 68, section 39.
    - 2. Subsections 66 (1), 66 (2), 66 (3), 71 (1), 71 (2) and 71 (3), as enacted by the Statutes of Ontario, 1986, chapter 68, section 41.

#### **PART III**

#### Pesticides Act

89. Subsection 1 (1) of the *Pesticides Act*, being chapter 376 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 68, section 43, is further amended by re-lettering clause (ca) as (cb) and by adding thereto the following clauses:

- (ca) "discharge", when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak;
- (ga) "inspection" includes an audit, examination, survey, test and inquiry;

. . . .

. . . . .

- (ta) "place" includes a building, structure, machine, vehicle or vessel.
- 90. Section 4 of the said Act is amended by striking out "deposit, add, emit or" in the third line and by striking out "deposit, addition, emission or" in the fourth line.
- 91. Section 12 of the said Act is repealed and the following substituted therefor:
- 12. A licence issued before or after section 91 of the Term of licence Environment Statute Law Amendment Act, 1988 comes into 1988, c. 54 force expires as prescribed by the regulations.

- 92. Subsections 17 (2) and (3) of the said Act are repealed.
- 93. Section 19 of the said Act is repealed and the following substituted therefor:
- 19.—(1) For the administration of this Act or the regu-Inspection by lations, a provincial officer may, without a warrant or court officer order, at any reasonable time and with any reasonable assistance, make inspections, including,

- (a) entering any place in which the provincial officer reasonably believes a pesticide can be found;
- (b) entering any place in or from which the provincial officer reasonably believes a pesticide is being, has been or may be discharged into the environment;
- (c) entering any place that the provincial officer reasonably believes is likely to contain documents related to.
  - (i) an activity or undertaking that is, or is required to be, the subject of a permit, licence or order under this Act or the regulations, or

- (ii) the discharge of a pesticide into the environment;
- (d) entering any place that the provincial officer reasonably believes is, or is required to be, subject to or referred to in a permit, licence or order under this Act or the regulations;
- (e) stopping any vehicle or vessel that the provincial officer reasonably believes,
  - (i) is or is required to be subject to or referred to in a permit, licence or order under this Act or the regulations,
  - (ii) contains a pesticide, or
  - (iii) is being or may be used in the performance of an extermination;
- (f) entering any place where a pesticide is stocked, displayed, sold or offered for sale;
- (g) requiring that any thing be operated, used or set in motion under conditions specified by the provincial officer;
- (h) taking samples;
- (i) recording or copying any information by any method;
- (j) requiring the production of any document that is required to be kept under this Act or the regulations and any other document that is related to the purposes of the inspection;
- (k) upon giving a receipt therefor, removing from a place documents produced pursuant to a requirement under clause (j) for the purpose of making copies or extracts and promptly returning them to the person who produced them; and
- (1) making reasonable inquiries of any person, orally or in writing.

Requirement to stop (2) The operator of a vehicle or vessel shall stop the vehicle or vessel when required to do so by a provincial officer who is readily identifiable as such.

(3) Upon request, a provincial officer who exercises a Identification power set out in subsection (1) shall identify himself or herself officers as a provincial officer either by the production of a copy of his or her designation or in some other manner and shall explain the purpose of the inspection.

(4) A provincial officer who exercises the power set out in Power to clause (1) (1) may exclude from the questioning any person exclude persons except counsel for the individual being questioned.

(5) A person shall not exercise a power conferred by this Act to enter a room actually used as a dwelling without the consent of the occupier except under the authority of an order under section 19a.

Entry to dwellings

(6) A provincial officer who exercises any power set out in Power to subsection (1) may, if the provincial officer is designated as such under the Environmental Protection Act or the Ontario R.S.O. 1980, Water Resources Act, as the case may be, do anything authorized by,

administer other statutes

- (a) subsection 126 (1) or 126a (1) of the Environmental Protection Act: or
- (b) subsection 10 (1) or 10a (1) of the Ontario Water Resources Act.

19a.—(1) Where a provincial judge or justice of the peace Inspection is satisfied, on evidence upon oath by a provincial officer, that there is reasonable ground for believing that it is appropriate for the administration of this Act or the regulations for the provincial officer to do anything set out in clauses 19 (1) (a) to (k) and that the provincial officer may not be able to effectively carry out his or her duties without an order under this section because.

- (a) no occupier is present to grant access to a place that is locked or otherwise inaccessible:
- (b) a person has prevented the provincial officer from doing anything set out in clauses 19 (1) (a) to (k);
- (c) there is reasonable ground to believe that a person may prevent a provincial officer from doing anything set out in clauses 19 (1) (a) to (k);
- (d) it is impractical, because of the remoteness of the place to be inspected or because of any other reason, for the provincial officer to obtain an order

under this section without delay if access is denied; or

(e) there is reasonable ground to believe that an attempt by the provincial officer to do anything set out in clauses 19 (1) (a) to (k) without the order might defeat the purpose thereof or endanger human life, health, property or the natural environment,

the judge or justice may issue or renew an order authorizing a provincial officer to do anything set out in clauses 19 (1) (a) to (k) and specified in the order for the period of time set out in the order.

Renewal

(2) Unless renewed, an order under this section expires not later than thirty days after the date on which it is made, and may be renewed for any reason set out in subsection (1) before or after expiry for one or more periods each of which is not more than thirty days.

When to be executed

(3) An order under this section shall be carried out between 6 a.m. and 9 p.m. standard time, unless the order otherwise authorizes.

Notice not required

(4) An order under this section may be issued or renewed upon application without notice.

Samples and copies

**19b.** A provincial officer may detain samples and copies obtained under section 19 or 19a for any period and for any of the purposes of this Act and the regulations.

Seizure

19c.—(1) A provincial officer may, without a warrant or court order, seize any thing that is produced to the provincial officer, or that is in plain view, during an inspection under this Act if the provincial officer reasonably believes that there has been a contravention of this Act or the regulations and that the thing will afford evidence of the contravention.

Possession

(2) The provincial officer may remove the thing seized or may detain it in the place where it is seized.

Notice of reason for seizure

(3) The provincial officer shall inform the person from whom the thing was seized as to the reason for the seizure and shall give the person a receipt for it.

Definition

19d.—(1) In this section, "offence" means an offence under section 4, 6 or 7.

(2) A provincial officer may, without a search warrant, Search by search any place other than a room actually used as a dwelling officer re if the provincial officer has reasonable ground to believe.

provincial actual pollution

- (a) that an offence has been committed;
- (b) that there is in such place any thing that will afford evidence as to the commission of the offence; and
- (c) that there are exigent circumstances that make it impractical to obtain a search warrant.
- (3) A provincial officer may seize any thing that is found by Seizure the provincial officer during a search under subsection (2) if the provincial officer reasonably believes that the thing will afford evidence of the commission of an offence.
- (4) A provincial officer who seizes any thing during a Receipt search under subsection (2) shall give a receipt for the thing to the person from whom it was seized.
- 19e.—(1) A provincial officer who seizes any thing during Report to an inspection or search under section 19c or 19d shall bring the thing seized before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

(2) Sections 143 and 144 of the Provincial Offences Act Application apply with necessary modifications in respect of a thing seized R.S.O. 1980, by a provincial officer during an inspection or search under c. 400, ss. 143, 144 section 19c or 19d.

- 19f. A provincial officer may use such force as is reason- Use of force ably necessary,
  - (a) to carry out an order issued under this Act;
  - (b) to execute a warrant issued under the Provincial Offences Act; or
  - (c) to prevent the destruction of any thing that the provincial officer reasonably believes may afford evidence of a contravention of this Act.

19g. It is a condition of every permit or licence under this Condition Act that the holder must forthwith on request permit provincial officers to carry out inspections authorized by section 19 or 19a of this Act, section 126, 126a or 127 of the Environ-R.S.O. 1980, mental Protection Act or section 10, 10a or 10b of the Ontario

cc. 141, 361

Water Resources Act of any place, other than any room actually used as a dwelling, to which the permit or licence relates.

**94.**—(1) Section 20 of the said Act is amended by adding thereto the following subsection:

Public notice

- (3a) The Director shall give notice of the stop order or the varied or confirmed stop order, together with written reasons therefor, to the municipality in which the emergency exists and to the public in such manner as the Director considers appropriate.
- (2) Subsection 20 (10) of the said Act is amended by adding at the end thereof "and shall give notice of the rescinding order to the municipality referred to in subsection (3a) and to the public in such manner as the Director considers appropriate".
- 95.—(1) Clause 21 (2) (a) of the said Act is amended by striking out "deposit, addition, emission or" in the first and second lines.
- (2) Clause 21 (2) (b) of the said Act is amended by striking out "deposit, addition, emission or" in the first line.
- 96. Section 22 of the said Act is amended by striking out "deposits, adds, emits or" in the first line.
- 97. Subsection 23 (1) of the said Act is amended by striking out "deposits, adds, emits or" in the first line and by striking out "deposit, addition, emission or" in the second line.
- **98.**—(1) Subsection 24 (1) of the said Act is repealed and the following substituted therefor:

Order binds successor or assignee

- (1) An order of a court, the Minister, Director or a provincial officer under this Act is binding upon the successor or assignee of the person to whom it is directed.
- (2) Subsection 24 (3) of the said Act is amended by inserting after "rescinded" in the first line "or set aside".
- **99.** Section 28 of the said Act is amended by adding thereto the following paragraph:
  - 3a. prescribing expiry dates or the method of determining the expiry dates of licences or any class of licences.

## 100. The said Act is amended by adding thereto the following section:

**33a.** The counsel or agent acting on behalf of the Crown, by notice to the clerk of the Provincial Offences Court, may require that a provincial judge preside over a proceeding in respect of an offence under this Act.

Presiding

## 101. Section 35 of the said Act is repealed.

## 102. The said Act is further amended by adding thereto the following section:

35a.—(1) In this section,

Definitions

"commercial motor vehicle" and "motor vehicle" have the same meanings as in the Highway Traffic Act;

R.S.O. 1980. c. 198

"offence notice or summons" means an offence notice or summons under Part I of the Provincial Offences Act.

R.S.O. 1980,

(2) Delivery of an offence notice or summons to the opera-Service of tor of a commercial motor vehicle in respect of an offence notice or under this Act related to the use of the vehicle shall be summons deemed to be personal service of the offence notice or summons on the owner or lessee of the vehicle who is named in the offence notice or summons.

(3) Delivery of an offence notice or summons to the opera- Employer tor of a motor vehicle in respect of an offence under this Act related to the use of the vehicle in the course of the operator's employment shall be deemed to be personal service of the offence notice or summons on the employer of the operator of the vehicle.

(4) Subsections 27 (4), (5) and (6) of the Provincial Corporation Offences Act apply with necessary modifications to the service of an offence notice or summons on a corporation that is or is required to be the holder of or is subject to a document mentioned in clause 19 (1) (d) in respect of an offence under this Act.

(5) Subsection (2) does not apply if, at the time of the Exception offence, the vehicle was in the possession of the operator without the consent of the owner or lessee of the vehicle, as the case may be, but the burden of proof of that shall be on the owner or lessee of the vehicle.

(6) For the purposes of this section, the holder of a permit Permit holder under Part II of the Highway Traffic Act shall be deemed to owner

be the owner of the vehicle referred to in the permit if a number plate under that Part bearing a number that corresponds to the permit was displayed on the vehicle at the time the offence was committed.

Application of subs. (6)

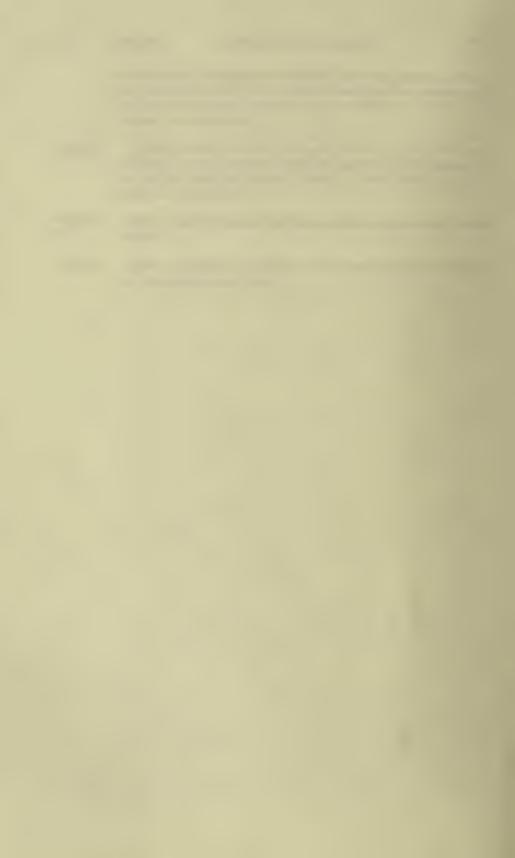
(7) Subsection (6) does not apply if the number plate was displayed on the vehicle without the consent of the holder of the permit, but the burden of proof of that shall be on the holder of the permit.

Commencement 103. This Act comes into force on the day it receives Royal Assent.

Short title

104. The short title of this Act is the Environment Statute Law Amendment Act, 1988.





# Bill 150

(Chapter 69 Statutes of Ontario, 1988)

# An Act to amend the Courts of Justice Act, 1984

The Hon, I. Scott Attorney General

LEGISLATIVE ASSEMBLY

1st Reading June 8th, 1988

2nd Reading December 14th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



Bill 150 1988

# An Act to amend the Courts of Justice Act, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 146 (1) of the Courts of Justice Act, 1984, being chapter 11, is amended by adding thereto the following clause:
  - (c) broadcast or reproduce an audio recording made as described in clause (2) (b).
- (2) Clause 146 (2) (b) of the said Act is repealed and the following substituted therefor:
  - (b) prohibits a solicitor, a party acting in person or a journalist from unobtrusively making an audio recording at a court hearing, in the manner that has been approved by the judge, for the sole purpose of supplementing or replacing handwritten notes.
- 2. This Act comes into force on the day it receives Royal Commencement Assent.
- 3. The short title of this Act is the Courts of Justice Amend-Short title ment Act, 1988.



37 ELIZABETH II, 1988

Bill 151

(Chapter 16 Statutes of Ontario, 1989)

An Act to revise the Personal Property Security Act and to repeal and amend certain other Acts related to Personal Property

The Hon. W. Wrye

Minister of Consumer and Commercial Relations

CLERK
LEGISLATIVE ASSEMBLY

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# Bill 151 1988

# An Act to revise the Personal Property Security Act and to repeal and amend certain other Acts related to Personal Property

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Definitions** 

## 1.—(1) In this Act,

- "accessions" means goods that are installed in or affixed to other goods;
- "account" means any monetary obligation not evidenced by chattel paper, an instrument or a security, whether or not it has been earned by performance;
- "chattel paper" means one or more than one writing that evidences both a monetary obligation and a security interest in or a lease of specific goods;
- "collateral" means personal property that is subject to a security interest;
- "consumer goods" means goods that are used or acquired for use primarily for personal, family or household purposes;

- "debtor" means a person who owes payment or other performance of the obligation secured, whether or not the person owns or has rights in the collateral, and includes,
  - (a) an assignor of an account or chattel paper, and
  - (b) a transferee of or successor to a debtor's interest in collateral:
- "default" means the failure to pay or otherwise perform the obligation secured when due or the occurrence of any event whereupon under the terms of the security agreement the security becomes enforceable;
- "document of title" means any writing that purports to be issued by or addressed to a bailee and purports to cover such goods in the bailee's possession as are identified or fungible portions of an identified mass, and that in the ordinary course of business is treated as establishing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers;
- "equipment" means goods that are not inventory or consumer goods;
- "financing change statement" means a document in the form prescribed for a financing change statement;
- "financing statement" means a document in the form prescribed for a financing statement:
- "future advance" means the advance of money, credit or other value secured by a security agreement whether or not such advance is given pursuant to commitment;
- "goods" means tangible personal property other than chattel paper, documents of title, instruments, money and securities, and includes fixtures, growing crops, the unborn young of animals, timber to be cut, and minerals and hydrocarbons to be extracted:

## "instrument" means,

(a) a bill, note or cheque within the meaning of the Bills of Exchange Act (Canada) or any other writing R.S.C. 1970, that evidences a right to the payment of money and is of a type that in the ordinary course of business is transferred by delivery with any necessary endorsement or assignment, or

(b) a letter of credit and an advice of credit if the letter or advice states that it must be surrendered upon claiming payment thereunder,

but does not include a writing that constitutes part of chattel paper, a document of title or a security;

- "intangible" means all personal property, including choses in action, that is not goods, chattel paper, documents of title, instruments, money or securities;
- "inventory" means goods that are held by a person for sale or lease or that have been leased or that are to be furnished or have been furnished under a contract of service, or that are raw materials, work in process or materials used or consumed in a business or profession;
- "money" means a medium of exchange authorized or adopted by the Parliament of Canada as part of the currency of Canada or by a foreign government as part of its currency;
- "obligation secured", for the purposes of determining the amount payable under a lease, means the amount contracted to be paid as rent under the lease and all other amounts that have or may become payable under the lease, including the amount, if any, required to be paid by the lessee to obtain full ownership of the collateral, as of the relevant date, less any amounts paid;
- "personal property" means chattel paper, documents of title, goods, instruments, intangibles, money and securities and includes fixtures but does not include building materials that have been affixed to real property;
- "prescribed" means prescribed by the regulations;
- "proceeds" means identifiable or traceable personal property in any form derived directly or indirectly from any dealing with collateral or the proceeds therefrom, and includes any payment representing indemnity or compensation for loss of or damage to the collateral or proceeds therefrom;
- "purchase" includes taking by sale, lease, negotiation, mortgage, pledge, lien, gift or any other consensual transaction creating an interest in personal property;
- "purchase-money security interest" means,
  - (a) a security interest taken or reserved in collateral to secure payment of all or part of its price, or

(b) a security interest taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to collateral to the extent that the value is applied to acquire the rights,

but does not include a transaction of sale by and lease back to the seller;

"purchaser" means a person who takes by purchase;

"registrar" means the registrar of personal property security;

"regulations" means the regulations made under this Act;

"secured party" means a person who holds a security interest for the person's own benefit or for the benefit of any other person and includes a trustee where the holders of obligations issued, guaranteed or provided for under a security agreement are represented by a trustee as the holder of the security interest and for the purposes of sections 17, 59 to 64, 66 and 67 includes a receiver or receiver and manager;

"security" means a document that is,

- (a) issued in bearer, order or registered form,
- (b) of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment,
- (c) one of a class or series or by its terms is divisible into a class or series of documents, and
- (d) evidence of a share, participation or other interest in property or in an enterprise or is evidence of an obligation of the issuer,

and includes an uncertificated security within the meaning of Part VI (Investment Securities) of the *Business Corpora-* 1982, c. 4 tions Act, 1982;

- "security agreement" means an agreement that creates or provides for a security interest and includes a document evidencing a security interest;
- "security interest" means an interest in personal property that secures payment or performance of an obligation, and includes, whether or not the interest secures payment or

performance of an obligation, the interest of a transferee of an account or chattel paper;

- "trust indenture" means any security agreement by the terms of which a body corporate, with or without share capital and wherever or however incorporated,
  - (a) issues or guarantees debt obligations or provides for the issue or guarantee of debt obligations, and
  - (b) appoints a person as trustee for the holders of the debt obligations so issued, guaranteed or provided for;
- "value" means any consideration sufficient to support a simple contract and includes an antecedent debt or liability. R.S.O. 1980, c. 375, s. 1, amended.

Fungibles

(2) For the purposes of this Act, fungible goods and fungible securities are goods or securities, as the case may be, of which any unit is, by nature or usage of trade, the equivalent of any other like unit, and includes unlike units to the extent that they are treated as equivalents under a security agreement. *New*.

## PART I

## APPLICATION AND CONFLICT OF LAWS

Application of Act, general

- 2. Subject to subsection 4 (1), this Act applies to,
  - (a) every transaction without regard to its form and without regard to the person who has title to the collateral that in substance creates a security interest including, without limiting the foregoing,
    - (i) a chattel mortgage, conditional sale, equipment trust, debenture, floating charge, pledge, trust indenture or trust receipt, and
    - (ii) an assignment, lease or consignment that secures payment or performance of an obligation; and
  - (b) a transfer of an account or chattel paper even though the transfer may not secure payment or performance of an obligation. R.S.O. 1980, c. 375, s. 2, amended.

3. This Act applies to the Crown and every agency of the Application Crown. New.

## **4.**—(1) This Act does not apply,

Nonapplication of

- (a) to a lien given by statute or rule of law, except as provided in subclause 20 (1) (a) (i) or section 31;
- (b) to a deemed trust arising under any Act, except as provided in subsection 30 (7);
- to a transfer of an interest or claim in or under any (c) policy of insurance or contract of annuity;
- (d) to a transaction under the Pawnbrokers Act;

R.S.O. 1980,

- (e) to the creation or assignment of an interest in real property, including a mortgage, charge or lease of real property, other than,
  - (i) an interest in a fixture, or
  - (ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the assignor's interest in the real property;
- to an assignment for the general benefit of creditors to which the Assignments and Preferences Act R.S.O. 1980, applies;
- (g) to a sale of accounts or chattel paper as part of a transaction to which the Bulk Sales Act applies;

R.S.O. 1980,

- (h) to an assignment of accounts made solely to facilitate the collection of accounts for the assignor; or
- to an assignment of an unearned right to payment to an assignee who is to perform the assignor's obligations under the contract. R.S.O. 1980, c. 375, s. 3 (1); 1981, c. 58, s. 1, amended.
- (2) The rights of buyers and sellers under subsection 20 (2) and sections 39, 40, 41 and 43 of the Sale of Goods Act are not affected by this Act. R.S.O. 1980, c. 375, s. 3 (2).

Rights under R.S.O. 1980, c. 462 not affected

5.—(1) Except as otherwise provided in this Act, the Conflict of validity, perfection and effect of perfection or non-perfection of collateral of,

- (a) a security interest in goods; and
- (b) a possessory security interest in a security, an instrument, a negotiable document of title, money and chattel paper,

shall be governed by the law of the jurisdiction where the collateral is situated at the time the security interest attaches.

Perfection of security interest continued

- (2) A security interest in goods perfected under the law of the jurisdiction in which the goods are situated at the time the security interest attaches but before the goods are brought into Ontario continues perfected in Ontario if a financing statement is registered in Ontario before the goods are brought in or if it is perfected in Ontario,
  - (a) within sixty days after the goods are brought in;
  - (b) within fifteen days after the day the secured party receives notice that the goods have been brought in; or
  - (c) before the date that perfection ceases under the law of the jurisdiction in which the goods were situated at the time the security interest attached,

whichever is earliest, but the security interest is subordinate to the interest of a buyer or lessee of those goods who acquires the goods from the debtor as consumer goods in good faith and without knowledge of the security interest and before the security interest is perfected in Ontario.

Perfection otherwise

(3) Subsection (2) does not apply so as to prevent the perfection of a security interest after the expiry of the time limit set out in that subsection.

Perfection in Ontario (4) Where a security interest mentioned in subsection (1) is not perfected under the law of the jurisdiction in which the collateral was situated at the time the security interest attached and before being brought into Ontario, the security interest may be perfected under this Act.

Revendication (5) Where goods brought into Ontario are subject to an unpaid seller's right to revendicate or to resume possession of the goods under the law of the Province of Quebec or any other jurisdiction, the right becomes unenforceable in Ontario twenty days after the goods are brought into Ontario unless the seller registers a financing statement or repossesses the goods within that twenty-day period. *New*.

**6.**—(1) Subject to section 7, if the parties to a security Goods brought into agreement creating a security interest in goods in one jurisdiction understand at the time the security interest attaches that the goods will be kept in another jurisdiction, and the goods are removed to that other jurisdiction, for purposes other than transportation through the other jurisdiction, within thirty days after the security interest attached, the validity, perfection and effect of perfection or non-perfection of the security interest shall be governed by the law of the other jurisdiction.

(2) If the other jurisdiction mentioned in subsection (1) is Perfection in not Ontario, and the goods are later brought into Ontario, the security interest in the goods is deemed to be one to which subsection 5 (2) applies if it was perfected under the law of the jurisdiction to which the goods were removed.

7.—(1) The validity, perfection and effect of perfection or non-perfection,

Conflict of laws, location of debtor

- (a) of a security interest in,
  - (i) an intangible, or
  - (ii) goods that are of a type that are normally used in more than one jurisdiction, if the goods are equipment or inventory leased or held for lease by a debtor to others; and
- (b) of a non-possessory security interest in a security, an instrument, a negotiable document of title, money and chattel paper,

shall be governed by the law of the jurisdiction where the debtor is located at the time the security interest attaches.

(2) If a debtor changes location to Ontario, a perfected Change of security interest referred to in subsection (1) continues perfected in Ontario if it is perfected in Ontario,

- (a) within sixty days from the day the debtor changes location;
- (b) within fifteen days from the day the secured party receives notice that the debtor has changed location; or
- prior to the day that perfection ceases under the law of the jurisdiction referred to in subsection (1),

whichever is the earliest.

Idem

(3) A security interest that is not perfected as provided in subsection (2) may be otherwise perfected under this Act.

Location of debtor (4) For the purpose of this section, a debtor shall be deemed to be located at the debtor's place of business if there is one, at the debtor's chief executive office if there is more than one place of business, and otherwise at the debtor's principal place of residence. *New*.

Procedural and substantive issues

## 8.—(1) Despite sections 5, 6 and 7,

- (a) procedural matters affecting the enforcement of the right of a secured party in respect of collateral other than intangibles are governed by the law of the jurisdiction in which the collateral is located at the time of the exercise of those rights;
- (b) procedural matters affecting the enforcement of the rights of a secured party against intangibles are governed by the law of the forum; and
- (c) substantive matters affecting the enforcement of the rights of a secured party against collateral are governed by the proper law of the contract between the secured party and the debtor.

Deemed perfection

(2) For the purposes of this Part, a security interest shall be deemed to be perfected under the law of a jurisdiction if the secured party has complied with the law of the jurisdiction with respect to the creation and continuance of a security interest that is enforceable against the debtor and third parties. *New*.

## PART II

# VALIDITY OF SECURITY AGREEMENTS AND RIGHTS OF PARTIES

Effectiveness of security agreement

9.—(1) Except as otherwise provided by this or any other Act, a security agreement is effective according to its terms between the parties to it and against third parties. R.S.O. 1980, c. 375, s. 9.

Idem

(2) A security agreement is not unenforceable against a third party by reason only of a defect, irregularity, omission or error therein or in the execution thereof unless the third party is actually misled by the defect, irregularity, omission or error. New.

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- (3) Without restricting the generality of subsection (2), the Idem failure to describe some of the collateral in a security agreement does not affect the effectiveness of the security agreement with respect to the collateral that is described. New.
- 10. Where a security agreement is in writing, the secured Delivery of party shall deliver a copy of the security agreement to the agreement debtor within ten days after the execution thereof, and, if the secured party fails to do so after a request by the debtor, the District Court, on the application of the debtor, may order the delivery of such a copy to the debtor. R.S.O. 1980. c. 375, s. 11, amended.

11.—(1) A security interest is not enforceable against a third party unless it has attached.

Attachment required

(2) A security interest, including a security interest in the nature of a floating charge, attaches when,

interest attaches

- (a) the secured party or a person on behalf of the secured party other than the debtor or the debtor's agent obtains possession of the collateral or when the debtor signs a security agreement that contains a description of the collateral sufficient to enable it to be identified:
- (b) value is given; and
- (c) the debtor has rights in the collateral,

unless the parties have agreed to postpone the time for attachment, in which case the security interest attaches at the agreed time. R.S.O. 1980, c. 375, ss. 10, 12 (1), amended.

- (3) For the purpose of subsection (2), the debtor has no Idem rights in,
  - (a) crops until they become growing crops;
  - (b) fish until they are caught;
  - (c) the young of animals until they are conceived;
  - (d) minerals or hydrocarbons until they are extracted;
  - (e) timber until it is cut. R.S.O. 1980, c. 375, s. 12 (2), amended.

Afteracquired property **12.**—(1) A security agreement may cover after-acquired property.

Exception

- (2) No security interest attaches under an after-acquired property clause in a security agreement,
  - (a) to crops that become such more than one year after the security agreement has been executed, except that a security interest in crops that is given in conjunction with a lease, purchase or mortgage of land may, if so agreed, attach to crops to be grown on the land concerned during the term of such lease, purchase or mortgage; or
  - (b) to consumer goods, other than accessions, unless the debtor acquires rights in them within ten days after the secured party gives value. R.S.O. 1980, c. 375, s. 13, amended.

Future advances **13.** A security agreement may secure future advances. R.S.O. 1980, c. 375, s. 15, amended.

Agreement not to assert defence against assignee **14.**—(1) An agreement by a debtor not to assert against an assignee any claim or defence that the debtor has against the debtor's seller or lessor is enforceable by the assignee who takes the assignment for value, in good faith and without notice, except as to such defences as may be asserted against a holder in due course of a negotiable instrument under the *Bills of Exchange Act* (Canada). R.S.O. 1980, c. 375, s. 16.

R.S.C. 1970, c. B-5

- Nonapplication R.S.O. 1980, c. 87, s. 31 Seller's warranties
- (2) Subsection (1) does not apply to an assignment to which section 31 of the *Consumer Protection Act* applies. *New*.
- 15. Where a seller retains a purchase-money security interest in goods,

R.S.O. 1980, c. 462

- (a) the Sale of Goods Act governs the sale and any disclaimer, limitation or modification of the seller's conditions and warranties; and
- (b) except as provided in section 14, the conditions and warranties in a sale agreement shall not be affected by any security agreement. R.S.O. 1980, c. 375, s. 17, amended.

Acceleration provisions

16. Where a security agreement provides that the secured party may accelerate payment or performance if the secured party considers that the collateral is in jeopardy or that the secured party is insecure, the agreement shall be construed to mean that the secured party may accelerate payment or per-

formance only if the secured party in good faith believes and has commercially reasonable grounds to believe that the prospect of payment or performance is or is about to be impaired or that the collateral is or is about to be placed in jeopardy. R.S.O. 1980, c. 375, s. 18, amended.

17.—(1) A secured party shall use reasonable care in the Care of custody and preservation of collateral in the secured party's possession, and, unless otherwise agreed, in the case of an instrument or chattel paper, reasonable care includes taking necessary steps to preserve rights against prior parties. R.S.O. 1980, c. 375, s. 19 (1).

(2) Unless otherwise agreed, where collateral is in the Idem, rights secured party's possession,

and duties of secured party

- reasonable expenses, including the cost of insurance and payment of taxes and other charges incurred in obtaining and maintaining possession of the collateral and in its preservation, are chargeable to the debtor and are secured by the collateral;
- (b) the risk of loss or damage, except where caused by the negligence of the secured party, is on the debtor to the extent of any deficiency in any insurance coverage;
- (c) the secured party may hold as additional security any increase or profits, except money, received from the collateral, and money so received, unless remitted to the debtor, shall be applied forthwith upon its receipt in reduction of the obligation secured:
- (d) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and
- (e) the secured party may create a security interest in the collateral upon terms that do not impair the debtor's right to redeem it. R.S.O. 1980, c. 375, s. 19 (2), amended.
- (3) A secured party is liable for any loss or damage caused Liability for by the secured party's failure to meet any obligations imposed by subsection (1) or (2), but does not lose the security interest in the collateral.

(4) A secured party may use the collateral,

Use of

- (a) in the manner and to the extent provided in the security agreement;
- (b) for the purpose of preserving the collateral or its value; or
- (c) pursuant to an order of,
  - (i) the court before which a question relating thereto is being heard, or
  - (ii) the District Court upon application by the secured party.

Idem

- (5) A secured party,
  - (a) is liable for any loss or damage caused by the secured party's use of the collateral otherwise than as authorized by subsection (4); and
  - (b) is subject to being ordered or restrained as provided in subsection 67 (1). R.S.O. 1980, c. 375, s. 19 (3-5).

Statements of account

- 18.—(1) A person who is a debtor or judgment creditor or who has an interest in the collateral or who is the authorized representative of such a person, by a notice in writing given to the secured party and containing an address for reply, may require the secured party to furnish to the person any one or more of.
  - (a) a statement in writing of the amount of the indebtedness and the terms of payment thereof as of the date specified in the notice;
  - (b) a statement in writing approving or correcting as of the date specified in the notice a statement of the collateral or a part thereof as specified in a list attached to the notice;
  - (c) a statement in writing approving or correcting as of the date specified in the notice a statement of the amount of the indebtedness and of the terms of payment thereof;
  - (d) a true copy of the security agreement; or
  - (e) sufficient information as to the location of the security agreement or a true copy thereof so as to enable inspection of the security agreement or copy.

(2) Clauses (1) (a), (b) and (c) do not apply where the Exception, secured party is the trustee under a trust indenture.

(3) The secured party, on the reasonable request of a per- Inspection of son entitled to receive a true copy of the security agreement agreement under clause (1) (d), shall permit the person or the person's authorized representative to inspect the security agreement or a true copy thereof during normal business hours at the location disclosed under clause (1) (e).

(4) If the secured party claims a security interest in all of Idem the collateral or in all of a particular type of collateral owned by the debtor, the secured party may so indicate in lieu of approving or correcting the list of such collateral as required by clause (1) (b).

(5) Subject to the payment of any charge required under Time for subsection (7), the secured party shall answer a notice given with notice, under subsection (1) within fifteen days after receiving it, and, liability for if without reasonable excuse.

compliance failure to answer

- the secured party does not answer within such fifteen-day period, the secured party is liable for any loss or damage caused thereby to any person who is entitled to receive information under this section; or
- (b) the answer is incomplete or incorrect, the secured party is liable for any loss or damage caused thereby to any person who reasonably may be expected to rely on the answer.
- (6) Where the person receiving a notice under subsection Successors in (1) no longer has a security interest in the collateral, the person shall, within fifteen days after receiving the notice, disclose the name and address of the latest successor in interest known to the person, and, if without reasonable excuse the person fails to do so or the answer is incomplete or incorrect, the person is liable for any loss or damage caused thereby to any person entitled to receive information under this section.

(7) The secured party may require payment in advance of Charges the charge prescribed for each statement or copy of the security agreement required under subsection (1), but the debtor is entitled to a statement without charge once in every six months.

(8) On an application to the District Court, the court, by Court order order, may,

- (a) exempt, in whole or in part, the secured party from complying with a notice given under subsection (1), or a request under subsection (3), if the person giving the notice, not being the debtor, does not establish to the satisfaction of the court that the person has an interest in the collateral or that the person is a judgment creditor;
- (b) extend the time for complying with the notice given under subsection (1);
- (c) require the secured party to comply with a notice given under subsection (1) or a request under subsection (3); or
- (d) make such other order as it considers just.

Liability

(9) An order made under clause (8) (b) or (c) does not affect the liability of the secured party under subsection (5).

Extended time for compliance

- (10) Despite subsection (9), where the secured party applies to the District Court for an extension of time under clause (8) (b) within fifteen days of receiving a notice under subsection (1) and the court makes an order extending the time for compliance, the secured party shall answer the notice within the time as extended and not within the time as required by subsection (5) and, if without reasonable excuse,
  - (a) the secured party fails to answer the notice within the time as extended, the secured party is liable for any loss or damage caused thereby to any person entitled to receive information under this section; or
  - (b) the answer is incomplete or incorrect, the secured party is liable for any loss or damage caused thereby to any person who reasonably may be expected to rely on the answer. R.S.O. 1980, c. 375, s. 20, amended.

### **PART III**

## PERFECTION AND PRIORITIES

Perfection

- 19. A security interest is perfected when,
  - (a) it has attached; and
  - (b) all steps required for perfection under any provision of this Act have been completed,

regardless of the order of occurrence. R.S.O. 1980, c. 375, s. 21.

20.—(1) Except as provided in subsection (3), until per- Unperfected fected, a security interest,

security interests

- (a) in collateral is subordinate to the interest of,
  - (i) a person who has a perfected security interest in the same collateral or who has a lien given under any other Act or by a rule of law or who has a priority under any other Act, or
  - (ii) a person who assumes control of the collateral through execution, attachment, garnishment, charging order, equitable execution or other legal process, or
  - (iii) all persons entitled by the Creditors' Relief R.S.O. 1980, Act or otherwise to participate in the distribution of the property over which a person described in subclause (ii) has assumed control, or the proceeds of such property;
- (b) in collateral is not effective against a person who represents the creditors of the debtor, including an assignee for the benefit of creditors and a trustee in bankruptcy;
- (c) in chattel paper, documents of title, securities, instruments or goods is not effective against a transferee thereof who takes under a transfer that does not secure payment or performance of an obligation and who gives value and receives delivery thereof without knowledge of the security interest;
- in intangibles other than accounts is not effective against a transferee thereof who takes under a transfer that does not secure payment or performance of an obligation and who gives value without knowledge of the security interest.
- (2) The rights of a person,

Idem

- (a) who has a statutory lien referred to in subclause (1) (a) (i) arise,
  - (i) in the case of the bankruptcy of the debtor, at the effective date of the bankruptcy, or

- (ii) in any other case, when the lienholder has taken possession or otherwise done everything necessary to make the lien enforceable in accordance with the provisions of the Act creating the lien;
- (b) under clause (1) (b) in respect of the collateral are to be determined as of the date from which the person's representative status takes effect.

Purchasemoney security interest

- (3) A purchase-money security interest that is perfected by registration,
  - (a) in collateral, other than an intangible, before or within ten days after,
    - (i) the debtor obtains possession of the collateral, or
    - (ii) a third party, at the request of the debtor, obtains possession of the collateral,

whichever is earlier; or

(b) in an intangible before or within ten days after the attachment of the security interest in the intangible,

has priority over,

- (c) an interest set out in subclause (1) (a) (ii) and is effective against a person described in clause (1) (b); and
- (d) the interest of a transferee of collateral that forms all or part of a sale in bulk within the meaning of the *Bulk Sales Act.* R.S.O. 1980, c. 375, s. 22, amended.

R.S.O. 1980, c. 52

Continuity of perfection

21.—(1) If a security interest is originally perfected in any way permitted under this Act and is again perfected in some way under this Act without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this Act.

Assignees

(2) An assignee of a security interest succeeds in so far as its perfection is concerned to the position of the assignor at the time of the assignment. R.S.O. 1980, c. 375, s. 23.

Perfection by possession or repossession 22. Possession or repossession of the collateral by the secured party, or on the secured party's behalf by a person

other than the debtor or the debtor's agent, perfects a security interest in,

- (a) chattel paper;
- (b) goods;
- (c) instruments;
- (d) securities;
- (e) negotiable documents of title; and
- (f) money,

but only while it is actually held as collateral. R.S.O. 1980, c. 375, s. 24, amended.

**23.** Registration perfects a security interest in any type of Perfection by registration

**24.**—(1) A security interest in instruments, securities or negotiable documents of title is a perfected security interest for the first ten days after it attaches to the extent that it arises for new value secured by a written security agreement. R.S.O. 1980, c. 375, s. 26 (1).

Temporary perfection

(2) A security interest perfected by possession in,

Idem

- (a) an instrument or a security that a secured party delivers to the debtor for,
  - (i) ultimate sale or exchange,
  - (ii) presentation, collection or renewal, or
  - (iii) registration of transfer; or
- (b) a negotiable document of title or goods held by a bailee that are not covered by a negotiable document of title, which document of title or goods the secured party makes available to the debtor for the purpose of,
  - (i) ultimate sale or exchange,
  - (ii) loading, unloading, storing, shipping or transshipping, or

(iii) manufacturing, processing, packaging or otherwise dealing with goods in a manner preliminary to their sale or exchange,

remains perfected for the first ten days after the collateral comes under the control of the debtor. R.S.O. 1980, c. 375, s. 26 (2), amended.

Idem

(3) Beyond the period of ten days referred to in subsection (1) or (2), a security interest under this section becomes subject to the provisions of this Act for perfecting a security interest. R.S.O. 1980, c. 375, s. 26 (3).

Perfecting as to proceeds

- **25.**—(1) Where collateral gives rise to proceeds, the security interest therein,
  - (a) continues as to the collateral, unless the secured party expressly or impliedly authorized the dealing with the collateral; and
  - (b) extends to the proceeds. R.S.O. 1980, c. 375, s. 27 (1), amended.

Idem

(2) Where the security interest was perfected by registration when the proceeds arose, the security interest in the proceeds remains continuously perfected so long as the registration remains effective or, where the security interest is perfected with respect to the proceeds by any other method permitted under this Act, for so long as the conditions of such perfection are satisfied.

Idem

(3) A security interest in proceeds is a continuously perfected security interest if the interest in the collateral was perfected when the proceeds arose.

Idem

(4) If a security interest in collateral was perfected otherwise than by registration, the security interest in the proceeds becomes unperfected ten days after the debtor acquires an interest in the proceeds unless the security interest in the proceeds is perfected under this Act.

Motor vehicles classified as consumer goods (5) Where a motor vehicle, as defined in the regulations, is proceeds, a person who buys or leases the vehicle as consumer goods in good faith takes it free of any security interest therein that extends to it under clause (1) (b) even though it is perfected under subsection (2) unless the secured party has registered a financing change statement that sets out the vehicle identification number in the designated place. New.

26.—(1) A security interest in goods in the possession of a Perfecting as bailee who has issued a negotiable document of title covering by a bailee them is perfected by perfecting a security interest in the document, and any security interest in them otherwise perfected while they are so covered is subject thereto. R.S.O. 1980, c. 375, s. 28 (1).

(2) A security interest in collateral in the possession of a Idem person, other than the debtor, the debtor's agent or a bailee mentioned in subsection (1), is perfected by,

- (a) issuance of a document of title in the name of the secured party;
- (b) possession on behalf of the secured party; or
- (c) registration. R.S.O. 1980, c. 375, s. 28 (2), amended.
- **27.**—(1) Where a debtor sells or leases goods that are sub-Goods ject to a security interest, the security interest in the goods repossessed reattaches to the goods, if,

- (a) the buyer or lessee has taken free of the security interest under clause 25 (1) (a) or subsection 28 (1) or (2);
- (b) the goods are returned to or repossessed by the debtor; and
- (c) the obligation secured remains unpaid or unperformed
- (2) Where a security interest in goods reattaches under sub- Idem section (1), then any question as to,
  - whether or not the security interest in the goods is perfected; and
  - (b) the time of its perfection or registration,

shall be determined as if the goods had not been sold or leased.

(3) If a sale or lease of goods creates an account or chattel Where sale paper and,

or lease creates an account or chattel paper

(a) the account or chattel paper is transferred to a secured party; and

(b) the goods are returned to or repossessed by the seller or lessor,

the transferee has a security interest in the goods.

Temporary perfection

(4) A security interest in goods arising under subsection (3) is perfected if the security interest in the account or chattel paper was also perfected but becomes unperfected on the expiration of ten days after the return or repossession of the goods unless the transferee registers a financing statement in respect of the security interest in, or takes possession of, the goods before the expiry of that period.

Transferee of account

(5) Where a transferee of an account has a perfected security interest in goods under subsections (3) and (4), for the purpose of determining the transferee's priority as to the goods, the transferee shall be deemed to have perfected a security interest in the goods at the time the transferee's security interest in the account was perfected.

Transferee of chattel paper

- (6) Where a transferee of chattel paper has a perfected security interest in goods under subsections (3) and (4),
  - (a) as between the transferee and the holder of a perfected security interest that attached under subsection (1), the person who had priority as to the chattel paper also has priority as to the goods; and
  - (b) as between the transferee and a person other than the holder of a perfected security interest that attached under subsection (1), for the purpose of determining the transferee's priority as to the goods, the transferee shall be deemed to have perfected a security interest in the goods at the time the transferee's security interest in the chattel paper was perfected. R.S.O. 1980, c. 375, s. 29, amended.

Transactions in ordinary course of business, buyers of goods

28.—(1) A buyer of goods from a seller who sells the goods in the ordinary course of business takes them free from any security interest therein given by the seller even though it is perfected and the buyer knows of it, unless the buyer also knew that the sale constituted a breach of the security agreement.

Idem, lessors of goods

(2) A lessee of goods from a lessor who leases the goods in the ordinary course of business holds the goods, to the extent of the lessee's rights under the lease, free from any security interest therein given by the lessor even though it is perfected and the lessee knows of it, unless the lessee also knew that the lease constituted a breach of the security agreement.

(3) A purchaser of chattel paper who takes possession of it Idem, in the ordinary course of business has, to the extent that the chattel paper purchaser gives new value, priority over any security interest in it,

purchasers of

- (a) that was perfected by registration if the purchaser did not know at the time of taking possession that the chattel paper was subject to a security interest;
- (b) that has attached to proceeds of inventory under section 25, whatever the extent of the purchaser's knowledge.
- (4) A purchaser of collateral that is an instrument or nego- Idem, tiable document of title has priority over any security interest instruments therein perfected by registration or temporarily perfected under section 23 or 24 if the purchaser,

- (a) gave value for the interest purchased;
- (b) purchased the collateral without knowledge that it was subject to a security interest; and
- (c) has taken possession of the collateral.
- (5) Where a motor vehicle, as defined in the regulations, is Motor sold other than in the ordinary course of business of the seller transaction and the motor vehicle is classified as equipment of the seller, other than in the buyer takes it free from any security interest therein given ordina course by the seller even though it is perfected by registration unless the vehicle identification number of the motor vehicle is set out in the designated place on a registered financing statement or financing change statement or unless the buyer knew that the sale constituted a breach of the security agreement.

(6) A bona fide purchaser of a security, whether in the Securities form of a security certificate or an uncertificated security, who has taken possession of it, has priority over any security interest in it perfected by registration or temporarily perfected under section 23 or 24.

(7) A purchaser of a security, whether in the form of a Idem security certificate or an uncertificated security, who purchases the security in the ordinary course of business and has taken possession of it, has priority over any security interest in it perfected by registration or temporarily perfected under sec-

tion 23 or 24, even though the purchaser knows of the security interest, if the purchaser did not know the purchase constituted a breach of the security agreement.

PERSONAL PROPERTY SECURITY

Definitions

1982, c. 4

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(8) For the purposes of subsections (6) and (7), "bona fide purchaser", "purchaser", "security", "security certificate" and "uncertificated security" have the same meaning as in sections 53 and 85 of the Business Corporations Act, 1982. New.

Negotiable instruments, etc.

29. The rights of a person who is,

R.S.C. 1970, c. B-5

- a holder in due course of a bill, note or cheque within the meaning of the Bills of Exchange Act (Canada); or
- (b) a transferee from the debtor of money,

are to be determined without regard to this Act. R.S.O. 1980, c. 375, s. 31 (1), amended.

Priorities, general rule

- **30.**—(1) If no other provision of this Act is applicable, the following priority rules apply to security interests in the same collateral:
  - Where priority is to be determined between security 1. interests perfected by registration, priority shall be determined by the order of registration regardless of the order of perfection.
  - Where priority is to be determined between a security interest perfected by registration and a security interest perfected otherwise than by registration,
    - i. the security interest perfected by registration has priority over the other security interest if the registration occurred before the perfection of the other security interest, and
    - ii. the security interest perfected otherwise than by registration has priority over the other security interest, if the security interest perfected otherwise than by registration was perfected before the registration of a financing statement related to the other security inter-
  - Where priority is to be determined between security interests perfected otherwise than by registration,

priority shall be determined by the order of perfec-

- Where priority is to be determined between unperfected security interests, priority shall be determined by the order of attachment. R.S.O. 1980, c. 375, s. 35 (1), amended.
- (2) For the purpose of subsection (1), a continuously per- Idem fected security interest shall be treated at all times as if perfected by registration, if it was originally so perfected, and it shall be treated at all times as if perfected otherwise than by registration if it was originally perfected otherwise than by registration. R.S.O. 1980, c. 375, s. 35 (2).

(3) Subject to subsection (4), where future advances are Future made while a security interest is perfected, the security interest has the same priority with respect to each future advance as it has with respect to the first advance.

(4) A future advance under a perfected security interest is Exception subordinate to the rights of persons mentioned in subclauses 20 (1) (a) (ii) and (iii) if the advance was made after the secured party received written notification of the interest of any such person unless,

- (a) the secured party makes the advance for the purpose of paying reasonable expenses, including the cost of insurance and payment of taxes or other charges incurred in obtaining and maintaining possession of the collateral and its preservation; or
- (b) the secured party is bound to make the advance, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from the obligation.
- (5) For the purpose of subsection (1), the date for registra- Proceeds tion or perfection as to collateral is also the date for registration or perfection as to proceeds.

(6) Where a security interest that is perfected by registra- Reperfected tion becomes unperfected and is again perfected by registration, the security interest shall be deemed to have been continuously perfected from the time of first perfection except that if a person acquired rights in all or part of the collateral during the period when the security interest was unperfected, the registration shall not be effective as against the person who acquired the rights during such period. New.

Deemed trusts

R.S.O. 1980, c. 137 1987, c. 35 (7) A security interest in an account or inventory and its proceeds is subordinate to the interest of a person who is the beneficiary of a deemed trust arising under the *Employment Standards Act* or under the *Pension Benefits Act*, 1987.

Exception

(8) Subsection (7) does not apply to a perfected purchasemoney security interest in inventory or its proceeds.

Liens for materials and services 31. Where a person in the ordinary course of business furnishes materials or services with respect to goods that are subject to a security interest, any lien that the person has in respect of the materials or services has priority over a perfected security interest unless the lien is given by an Act that provides that the lien does not have such priority. R.S.O. 1980, c. 375, s. 32, amended.

Crops

**32.**—(1) A perfected security interest in crops or their proceeds, given not more than six months before the crops become growing crops by planting or otherwise, to enable the debtor to produce the crops during the production season, has priority over an earlier perfected security interest in the same collateral to the extent that the earlier interest secures obligations that were due more than six months before the crops become growing crops by planting or otherwise even though the person giving value has notice of the earlier security interest.

Idem

(2) Where more than one perfected security interest is given priority by subsection (1), each ranks equally according to the ratio that the amount advanced with respect to each bears to the total amount advanced. R.S.O. 1980, c. 375, s. 34 (1), amended.

Purchasemoney security interest, inventory

- **33.**—(1) A purchase-money security interest in inventory or its proceeds has priority over any other security interest in the same collateral given by the same debtor, if,
  - (a) the purchase-money security interest was perfected at the time,
    - (i) the debtor obtained possession of the inventory, or
    - (ii) a third party, at the request of the debtor, obtained or held possession of the inventory,

whichever is earlier;

(b) before the debtor receives possession of the inventory, the purchase-money secured party gives notice

in writing to every other secured party who has registered a financing statement in which the collateral is classified as inventory before the date of registration by the purchase-money secured party; and

- (c) the notice referred to in clause (b) states that the person giving it has or expects to acquire a purchase-money security interest in inventory of the debtor, describing such inventory by item or type.
- (2) Except where the collateral or its proceeds is inventory Purchaseor its proceeds, a purchase-money security interest in collateral or its proceeds has priority over any other security inter- interests est in the same collateral given by the same debtor if the other than inventory purchase-money security interest,

- in the case of collateral, other than an intangible, was perfected before or within ten days after,
  - (i) the debtor obtained possession of the collateral as a debtor, or
  - (ii) a third party, at the request of the debtor, obtained or held possession of the collateral,

whichever is earlier; or

- in the case of an intangible, was perfected before or within ten days after the attachment of the purchase-money, security interest in the intangible. R.S.O. 1980, c. 375, s. 34 (2, 3), amended.
- (3) Where more than one purchase-money security interest Priority of is given priority by subsections (1) and (2), the purchasemoney security interest, if any, of the seller has priority over money any other purchase-money security interest given by the same security interest debtor. New.

## **34.**—(1) A security interest in goods that attached,

**Fixtures** 

- (a) before the goods became a fixture, has priority as to the fixture over the claim of any person who has an interest in the real property; or
- after the goods became a fixture, has priority as to the fixture over the claim of any person who subsequently acquired an interest in the real property, but not over any person who had a registered interest in the real property at the time the security interest in the goods attached and who has not con-

sented in writing to the security interest or disclaimed an interest in the fixture.

Exceptions

- (2) A security interest mentioned in subsection (1) is sub-ordinate to the interest of,
  - (a) a subsequent purchaser for value of an interest in the real property; or
  - (b) a creditor with a prior encumbrance of record on the real property to the extent that the creditor makes subsequent advances,

if the subsequent purchase or subsequent advance under a prior encumbrance of record is made or contracted for without knowledge of the security interest and before notice of it is registered in accordance with section 54.

Removal of collateral

(3) If a secured party has an interest in a fixture that has priority over the claim of a person having an interest in the real property, the secured party may, on default and subject to the provisions of this Act respecting default, remove the fixture from the real property if, unless otherwise agreed, the secured party reimburses any encumbrancer or owner of the real property who is not the debtor for the cost of repairing any physical injury but excluding diminution in the value of the real property caused by the absence of the fixture or by the necessity for replacement.

Security

(4) A person entitled to reimbursement under subsection (3) may refuse permission to remove the fixture until the secured party has given adequate security for the reimbursement. R.S.O. 1980, c. 375, s. 36 (1-4), amended.

Notice

- (5) A secured party who has the right to remove a fixture from real property shall serve, on each person who appears by the records of the proper land registry office to have an interest in the real property, a notice in writing of the secured party's intention to remove the fixture containing,
  - (a) the name and address of the secured party;
  - (b) a description of the fixture to be removed sufficient to enable it to be identified;
  - (c) the amount required to satisfy the obligation secured by the security interest of the secured party;

- (d) a description of the real property to which the fixture is affixed sufficient to enable the real property to be identified; and
- (e) a statement of intention to remove the fixture unless the amount secured is paid on or before a specified day that is not less than ten days after service of the notice.
- (6) The notice mentioned in subsection (5) shall be served Idem in accordance with section 68 or by registered mail addressed to the person to whom notice is to be given at the address furnished under section 166 of the Land Titles Act or section 37 R.S.O. 1980, of the Registry Act, or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which the person appears to have an interest. New.

(7) A person having an interest in real property that is sub- Retention of ordinate to a security interest in a fixture may, before the fixture has been removed from the real property by the secured party in accordance with subsection (3), retain the fixture upon payment to the secured party of the amount owing in respect of the security interest having priority over the per-R.S.O. 1980, c. 375, s. 36 (5), amended. son's interest.

collateral

**35.**—(1) Subject to subsections (2) and (3) of this section Accessions and section 37, a security interest in goods that attached,

- before the goods became an accession, has priority (a) as to the accession over the claim of any person in respect of the whole; and
- (b) after the goods became an accession, has priority as to the accession over the claim of any person who subsequently acquired an interest in the whole, but not over the claim of any person who had an interest in the whole at the date the security interest attached to the accession and who has not consented in writing to the security interest in the accession or disclaimed an interest in the accession as part of the whole.
- (2) A security interest referred to in subsection (1),

Exceptions

- (a) is subordinate to the interest of,
  - (i) a subsequent buyer of an interest in the whole, and

(ii) a creditor with a prior perfected security interest in the whole to the extent that the creditor makes subsequent advances,

if the subsequent sale or subsequent advance under the prior perfected security interest is made or contracted for before the security interest is perfected; and

(b) is subordinate to the interest of a creditor of the debtor who assumes control of the whole through execution, attachment, garnishment, charging order, equitable execution or other legal process, if control is assumed before the security interest is perfected. R.S.O. 1980, c. 375, s. 37 (1, 2), amended.

Idem

(3) Despite clause (2) (b), a purchase-money security interest in an accession that is perfected before or within ten days after the debtor obtains possession of the accession has priority over the interest of a creditor referred to in that clause. *New*.

Removal of collateral

(4) If a secured party has an interest in an accession that has priority over the claim of any person having an interest in the whole, the secured party may, on default and subject to the provisions of this Act respecting default, remove the accession from the whole if, unless otherwise agreed, the secured party reimburses any encumbrancer or owner of the whole who is not the debtor for the cost of repairing any physical injury excluding diminution in value of the whole caused by the absence of the accession or by the necessity for replacement.

Security

(5) A person entitled to reimbursement under subsection (4) may refuse permission to remove the accession until the secured party has given adequate security for the reimbursement. R.S.O. 1980, c. 375, s. 37 (3), amended.

Notice

- (6) The secured party who has the right to remove an accession from the whole shall serve, on each person known to the secured party as having an interest in the other goods and on any person with a security interest in such other goods perfected by registration against the name of the debtor or against the vehicle identification number of such other goods, if such number is required for registration, a notice in writing of the secured party's intention to remove the accession containing,
  - (a) the name and address of the secured party;

- (b) a description of the accession to be removed sufficient to enable it to be identified;
- (c) the amount required to satisfy the obligations secured by the security interest of the secured party;
- (d) a description of the other goods sufficient to enable them to be identified; and
- (e) a statement of intention to remove the accession from the whole unless the amount secured is paid on or before a specified day that is not less than ten days after service of the notice.
- (7) The notice mentioned in subsection (6) shall be served Idem in accordance with section 68 at least ten days before the accession is removed. New.

(8) A person having an interest in the whole that is sub-Retention of ordinate to a security interest in the accession may, before the accession has been removed by the secured party in accordance with subsection (3), retain the accession upon payment to the secured party of the amount owing in respect of the security interest having priority over the person's interest. R.S.O. 1980, c. 375, s. 37 (4), amended.

**36.**—(1) A security interest in a right to payment under a Real lease of real property, to which this Act applies, is subordi-payments, nate to the interest of a person who acquires for value the les-rents sor's interest in the lease or in the real property thereby demised if the interest, or notice thereof, of the person is registered in the proper land registry office before the interest, or notice thereof, of the secured party is registered in the proper land registry office.

(2) A security interest in a right to payment under a mort- Mortgages gage or charge of real property, to which this Act applies, is subordinate to the interest of a person who acquires for value the mortgagee's or chargee's interest in the mortgage or charge if the interest of the person is registered in the proper land registry office before a notice of the security interest is registered in the proper land registry office. 1981, c. 58, s. 2.

37. A perfected security interest in goods that subse-Commingled quently become part of a product or mass continues in the product or mass if the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass, and, if more than one security interest attaches to the product or mass, the security interests rank

equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass. R.S.O. 1980, c. 375, s. 38.

Subordination **38.** A secured party may, in the security agreement or otherwise, subordinate the secured party's security interest to any other security interest and such subordination is effective according to its terms. R.S.O. 1980, c. 375, s. 39, amended.

Alienation of rights of a debtor **39.** The rights of a debtor in collateral may be transferred voluntarily or involuntarily despite a provision in the security agreement prohibiting transfer or declaring a transfer to be a default, but no transfer prejudices the rights of the secured party under the security agreement or otherwise. R.S.O. 1980, c. 375, s. 33.

Person obligated on an account or on chattel paper

- **40.**—(1) Unless a person obligated on an account or on chattel paper has made an enforceable agreement not to assert defences or claims arising out of a contract, the rights of an assignee are subject to,
  - (a) all the terms of the contract between the person and the assignor and any defence or claim arising therefrom; and
  - (b) any other defence or claim of the person against the assignor that accrued before the person received notice of the assignment.

Idem

(2) A person obligated on an account or on chattel paper may pay the assignor until the person receives notice, reasonably identifying the relevant rights, that the account or chattel paper has been assigned, and, if requested by the person, the assignee shall furnish proof within a reasonable time that the assignment has been made, and, if the assignee does not do so, the person may pay the assignor. R.S.O. 1980, c. 375, s. 40 (1, 2), amended.

Modification, etc., effective against assignee (3) To the extent that the right to payment or part payment under an assigned contract has not been earned by performance, and despite notice of the assignment, any modification of or substitution for the contract, made in good faith and in accordance with reasonable commercial standards and without material adverse effect upon the assignee's right under or the assignor's ability to perform the contract, is effective against an assignee unless the person obligated on the account or chattel paper has otherwise agreed, but the assignee acquires corresponding rights under the modified or substituted contract. New.

### PART IV

## REGISTRATION

- 41.—(1) A registration system, including a central office Registration and branch offices, shall be maintained for the purposes of this Act and the Repair and Storage Liens Act, 1989. R.S.O. 1989, c. 17 1980, c. 375, s. 41 (1), amended.
- (2) The central office of the registration system shall be Central office located at or near the City of Toronto.
- (3) Branch offices of the registration system shall be estab- Branch lished at such places as are designated by the regulations. R.S.O. 1980, c. 375, s. 41 (2, 3).
- **42.**—(1) There shall be a registrar of personal property Registrar, security and a branch registrar for each branch office.
- (2) The registrar shall be the public servant designated as Idem registrar by the Minister of Consumer and Commercial Relations.
- (3) The branch registrars shall be those public servants des- Idem ignated by name or position as branch registrars by the registrar.
- (4) The registrar shall have a seal of office in such form as Seal of office the Lieutenant Governor in Council may by order approve. R.S.O. 1980, c. 375, s. 42, amended.
- (5) No action or other proceeding for damages shall be instituted against the registrar or any person employed in the Ministry of Consumer and Commercial Relations for any act done in good faith in the execution or intended execution of the person's duty under this Act or the Repair and Storage 1989, c. 17 Liens Act, 1989 or for any alleged neglect or default in the execution in good faith of the person's duty thereunder.

Protection personal liability

(6) Despite subsections 5 (2) and (4) of the *Proceedings* Crown Liability Against the Crown Act but subject to subsection 44 (18), sub-R.S.O. 1980, section (5) does not relieve the Crown of liability in respect of c. 393 a tort committed by a person mentioned in subsection (5) to which it would otherwise be subject.

(7) The registrar and each branch registrar may designate Delegation one or more public servants to act on his or her behalf. R.S.O. 1980, c. 375, s. 43.

Certificate of registrar

- **43.**—(1) Upon the request of any person for a search of the individual debtor name index, business debtor name index or motor vehicle identification number index and upon payment of the prescribed fee, the registrar shall issue a certificate stating,
  - (a) whether, at the time mentioned in the certificate, there is registered a financing statement or a financing change statement the registration of which is recorded in the central file of the registration system in which the name or number with respect to which the inquiry is made is shown in the designated place on the financing statement or financing change statement as a debtor or as a motor vehicle identification number, as the case may be, and, if there is, the registration number of it and any other recorded information:
  - (b) whether, at the time mentioned in the certificate, there is entered in the central file of the registration system any information required or permitted to be entered by section 78 in which the name with respect to which the inquiry is made is shown as debtor; and

1989, c. 17

(c) whether, at the time mentioned in the certificate, there is registered a claim for lien or a change statement under the *Repair and Storage Liens Act, 1989* the registration of which is recorded in the central file of the registration system in which the name or number with respect to which the inquiry is made is shown in the designated place on the claim for lien or change statement as an owner or as a motor vehicle identification number, as the case may be, and, if there is, the registration number of it and any other recorded information.

Idem

(2) A certificate issued under subsection (1) is *prima facie* proof of the contents thereof.

Similar

(3) A certificate issued under subsection (1) may include information relating to a registered financing statement or financing change statement recorded in the central file of the registration system which sets out in the designated place a debtor name or vehicle identification number which is similar, in the opinion of the registrar, to the name or number with respect to which the inquiry is made.

Certified copies

(4) Upon the request of any person and upon payment of the prescribed fee, the registrar shall furnish the person with a certified copy of a registered financing statement or a registered financing change statement.

- (5) A certified copy furnished under subsection (4) is prima Idem facie proof of the contents of the document so certified. R.S.O. 1980, c. 375, s. 44, amended.
- 44.—(1) The account in the Consolidated Revenue Fund Assurance known as "The Personal Property Security Assurance Fund" is hereby continued.
- (2) The prescribed portion of the fees received under this Idem Act shall be paid into the Assurance Fund. R.S.O. 1980, c. 375, s. 45 (1), amended.
- (3) Interest shall be credited to the Assurance Fund out of Idem the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Assurance Fund at the end of the previous calendar year. R.S.O. 1980, c. 375, s. 45 (2).
- (4) Any person who suffers loss or damage as a result of Entitlement the person's reliance upon a certificate of the registrar issued under section 43 that is incorrect because of an error or omission in the operation of the system of registration, recording and production of information under this Part or section 78 or under the Repair and Storage Liens Act, 1989 is entitled to be 1989, c. 17 paid compensation out of the Assurance Fund so far as the Assurance Fund is sufficient for that purpose, having regard to any claims which have been approved but have not been paid.

(5) A person claiming to be entitled to payment of compen-Claims sation out of the Assurance Fund shall file an application with the registrar, setting out the person's name and address and particulars of the claim.

- (6) A claim against the Assurance Fund must be made Idem within one year from the time that the loss or damage giving rise to the claim came to the claimant's knowledge.
- (7) For the purposes of this section, where the holders of Idem debt obligations issued, guaranteed or provided for under a security agreement are represented by a trustee or other person and the trustee or other person has relied upon a certificate of the registrar issued under section 43, all of the holders of the debt obligations shall be deemed to have relied on the certificate, and where a claim is made against the Assurance

Fund, it shall be made by the trustee or other person on behalf of all the holders of such obligations.

Duty of registrar

- (8) The registrar shall determine a claim against the Assurance Fund within ninety days of receiving an application for compensation and,
  - (a) where the registrar determines that the claim should not be paid, the registrar shall forthwith advise the claimant of the decision; or
  - (b) where the registrar determines that the claimant is entitled to a payment out of the Assurance Fund, the registrar shall make an offer of settlement in satisfaction of the claim,

and the decision or offer of settlement shall be deemed to be confirmed thirty days after the mailing thereof to the claimant unless the claimant requests a hearing under subsection (9).

Hearing

(9) Where the registrar makes a decision under clause (8) (a) or an offer of settlement under clause (8) (b) that is for less than the full amount of the claim, the claimant, within thirty days from the day that the decision or offer is mailed to the claimant, may request the Director of Titles appointed under the *Land Titles Act* to hold a hearing to determine the claimant's entitlement to compensation and the request shall be in writing.

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(10) As soon as possible after receiving a request under subsection (9), the Director of Titles or, where a person has been appointed under subsection (11), the person so appointed shall hold a hearing and decide the claimant's entitlement to compensation and, if he or she considers it appropriate, award costs.

Delegation

(11) The Director of Titles may appoint a person to act on his or her behalf in the hearing of a claim for compensation under this section.

Confirmation of decision

(12) A decision under subsection (10) shall be deemed to be confirmed at the expiration of thirty days from the date of the mailing of the decision to the claimant, unless a notice of an application under subsection (14) is served on the Director of Titles within that time.

Application to District Court

(13) Where the registrar fails to determine a claim for compensation under subsection (8) within ninety days, the District Court, on the application of the claimant made within sixty

days of the expiry of the ninety-day period, may order the payment of such compensation as is set out in the order.

(14) Where the claimant is dissatisfied with a decision Idem under subsection (10), the District Court, on the application of the claimant made within thirty days of the mailing of the decision to the claimant, may order that the decision under subsection (10) be set aside and may order the payment of such compensation as may be set out in the order.

(15) When an offer of settlement has been accepted or the Payment time for an application under subsection (13) or (14) has expired or, where an application has been made, it is disposed of and it is finally determined that the claimant is entitled to payment of compensation out of the Assurance Fund, the registrar shall certify to the Treasurer of Ontario the sum found to be payable, including any costs awarded to the claimant, and the Treasurer shall pay the sum to the claimant out of the Assurance Fund.

(16) Where compensation is paid to a claimant under this Subrogation section, the registrar is subrogated to the rights of the claimant to the amount so paid against any person indebted to the claimant and whose debt to the claimant was the basis of the loss or damage in respect of which the claimant was paid, and the registrar may enforce those rights by action in court or otherwise in the name of Her Majesty in right of Ontario.

(17) The registrar may require a claimant to exhaust the Action by claimant's remedies against the collateral, the debtor and any guarantor and, where the registrar does so, the Assurance Fund is liable for the reasonable costs of the claimant, including solicitor and client costs.

(18) No action or other proceeding for damages shall be instituted against the Crown with respect to any matter in relation to which a claim against the Assurance Fund has been filed.

Protection

(19) No claim shall be filed against the Assurance Fund Idem with respect to any matter in relation to which an action or other proceeding for damages has been commenced in any court against the Crown.

(20) The maximum amount that may be paid out of the Maximum Assurance Fund with respect to claims related to any one security agreement shall not exceed \$1,000,000 in total.

payable from Assurance Fund

(21) If the total of all claims against the Assurance Fund in Idem respect of a security agreement exceeds \$1,000,000, payments

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to claimants shall be made in accordance with the ratio that the amount of the claimant's loss bears to the total amount of the losses of all claimants. New.

Registration of financing statement

**45.**—(1) In order to perfect a security interest by registration under this Act, a financing statement shall be registered. R.S.O. 1980, c. 375, s. 47 (1), *amended*.

Consumer

(2) Where the collateral is consumer goods, the financing statement referred to in subsection (1) shall not be registered before the security agreement is signed by the debtor and, where a financing statement is registered in contravention of this subsection, the registration of the financing statement does not constitute registration or perfection under this Act.

Collateral other than consumer goods (3) Where the collateral is not consumer goods, the financing statement referred to in subsection (1) may be registered before or after the security agreement is signed by the debtor.

Subsequent security agreements

(4) Except where the collateral is consumer goods, one financing statement may perfect one or more security interests created or provided for in one or more security agreements between the parties. *New*.

Place of registration

- **46.**—(1) A financing statement or financing change statement to be registered under this Act may be tendered for registration,
  - (a) by delivery to any branch office; or
  - (b) by mail addressed to an address fixed by the regulations. R.S.O. 1980, c. 375, s. 46, amended.

Form

(2) Every financing statement and financing change statement to be registered under this Act shall be in the prescribed form.

Classification of collateral (3) Except with respect to rights to proceeds, where a financing statement or financing change statement sets out a classification of collateral and also contains words that appear to limit the scope of the classification, then, unless otherwise indicated in the financing statement or financing change statement, the secured party may claim a security interest perfected by registration only in the class as limited. New.

Errors, etc.

(4) A financing statement or financing change statement is not invalidated nor is its effect impaired by reason only of an error or omission therein or in its execution or registration unless a reasonable person is likely to be misled materially by the error or omission. R.S.O. 1980, c. 375, ss. 4, 47 (5), amended.

- (5) Registration of a financing statement or financing Effect of change statement,
  - (a) does not constitute constructive notice or knowledge to or by third parties of the existence of the financing statement or financing change statement or of the contents thereof; and
  - (b) does not create a presumption that this Act applies to the transaction to which the registration relates.
- (6) Where a financing statement or financing change state- Copy to ment is registered, the secured party shall deliver to the debtor within thirty days after the date of registration,
  - (a) a copy of the registered financing statement or financing change statement; or
  - (b) a copy of a verification statement in the prescribed form.
- (7) Where the secured party without reasonable excuse fails Penalty to deliver a copy required under subsection (6), the secured party shall pay \$500 to the debtor which sum is recoverable in the Provincial Court (Civil Division). New.

47.—(1) A financing change statement may be registered Assignment where a security interest is perfected by registration and the interest secured party has assigned the secured party's interest in all or part of the collateral. R.S.O. 1980, c. 375, s. 48 (1), amended.

(2) Where a security interest has not been perfected by Idem registration and the secured party has assigned the secured party's interest, a financing statement referred to in section 46 may be registered,

- (a) naming the assignor as the secured party and subsection (1) applies; or
- (b) naming the assignee as the secured party and subsection (1) does not apply. R.S.O. 1980, c. 375, s. 48 (2), amended.
- (3) Upon the registration of the financing change statement Idem under subsection (1) or the financing statement under sub-

section (2), the assignee becomes a secured party of record. R.S.O. 1980, c. 375, s. 48 (3).

Transfer of collateral

**48.**—(1) Where a security interest is perfected by registration and the debtor, with the prior consent of the secured party, transfers the debtor's interest in all or part of the collateral, the security interest in the collateral transferred becomes unperfected fifteen days after the transfer is made unless the secured party registers a financing change statement within such fifteen days. R.S.O. 1980, c. 375, s. 49 (1), amended.

Idem

- (2) Where a security interest is perfected by registration and the debtor, without the prior consent of the secured party, transfers the debtor's interest in all or part of the collateral, the security interest in the collateral transferred becomes unperfected thirty days after the later of,
  - (a) the transfer, if the secured party had prior knowledge of the transfer and if the secured party had, at the time of the transfer, the information required to register a financing change statement; and
  - (b) the day the secured party learns the information required to register a financing change statement,

unless the secured party registers a financing change statement or takes possession of the collateral within such thirty days.

Change of debtor name

(3) Where a security interest is perfected by registration and the secured party learns that the name of the debtor has changed, the security interest in the collateral becomes unperfected thirty days after the secured party learns of the change of name and the new name of the debtor unless the secured party registers a financing change statement or takes possession of the collateral within such thirty days. R.S.O. 1980, c. 375, s. 49 (2), amended.

Transferee in possession

(4) Where the debtor's interest in all or part of the collateral is transferred by the debtor without the consent of the secured party and there is one or more subsequent transfers of the collateral without the consent of the secured party before the secured party learns of the name of the transferee who has possession of the collateral, the secured party shall be deemed to have complied with subsection (2) if the secured party registers a financing change statement within thirty days of learning of the name of the transferee who has possession of the collateral and the information required to register a financing change statement and the secured party need not register financing change statements with respect to any intermediate transferee. New.

(5) A security interest that becomes unperfected under sub-Financing section (1), (2) or (3) may be perfected again by registering a statement financing change statement at any time during the remainder of the unexpired registration period of the financing statement or any renewal thereof. R.S.O. 1980, c. 375, s. 49 (3), amended.

(6) Where the Registrar General notifies the registrar that Notification by Registrar a debtor has changed his or her name and provides the registrar with particulars of a registration under this Act in which the debtor's former name appears as debtor, the registrar shall amend the debtor's name as shown in the central file of the registration system related to the registration.

- (7) Subsection (3) does not apply if the registrar, under Idem subsection (6), amends the central file of the registration system.
  - (a) before the secured party learns of the new name of the debtor; or
  - (b) within thirty days of the day the secured party learns of the new name of the debtor.
- (8) If the registrar, under subsection (6), amends the cen- Idem tral file of the registration system more than thirty days after the day the secured party learns of the new name of the debtor, the registrar's amendment shall be deemed to be a financing change statement registered by the secured party at the time the amendment was made.

49. A financing change statement may be registered at Amendments any time during the registration period of a financing statement.

- (a) to correct an error or omission in the registered financing statement or any financing change statement related thereto; or
- (b) to amend the registered financing statement or any financing change statement related thereto where the amendment is not otherwise provided for in this Part. New.
- 50. Where a security interest is perfected by registration Subordination of and the interest of the secured party has been subordinated by nation of security the secured party to any other security interest in the collater- interest al, a financing change statement may be registered at any time during the period that the registration of the subordinated interest is effective. R.S.O. 1980, c. 375, s. 51.

Registration period

**51.**—(1) A financing statement may be registered for a perpetual period or for such period of years as is set out in the financing statement.

Change of registration period

(2) The registration period of a financing statement may be reduced by the registration of a financing change statement under section 49 or extended by the registration of a financing change statement under subsection 52 (1).

Duration of registration period

- (3) The registration period for a financing statement begins with the time assigned to its registration by the registrar or branch registrar and ends on the earlier of,
  - (a) the time the registration is discharged; or
  - (b) at the end of the registration period as set out in the financing statement or as changed by subsequent financing change statements.

Effective period

(4) A financing statement is effective only during its registration period.

Consumer goods

(5) Despite subsection (1), a financing statement that indicates that the collateral is or includes consumer goods shall be deemed to have a registration period of five years, unless a shorter registration period is indicated on the financing statement or unless the registration period is extended by the registration of a financing change statement under subsection 52 (1).

Idem

(6) Every financing change statement extending the registration period of a financing statement described in subsection (5) shall be deemed to extend the registration period for a five year period that begins at the time of its registration unless a shorter extension is indicated on the financing change statement.

Renewal of registration

**52.**—(1) Where a security interest has been perfected by registration, the registration may be extended before the registration ceases to be effective by the registration of a financing change statement.

Reperfection

(2) Where a security interest has been perfected by registration and the registration has ceased to be effective, the security interest may be perfected again by the registration of a financing statement. R.S.O. 1980, c. 375, s. 52, amended.

Financing change statement

**53.** The registration of a financing change statement is effective from the time assigned to its registration by the registrar or branch registrar and is effective so long as the registra-

tion of the financing statement to which it relates is effective. New.

54.—(1) A notice of security interest, in the prescribed Notice in form, may be registered in the proper land registry office, land office where.

- (a) the collateral is or includes fixtures or goods that may become fixtures or crops, or minerals or hydrocarbons to be extracted, or timber to be cut; or
- (b) the security interest is a security interest in a right to payment under a lease, mortgage or charge of real property to which this Act applies. 1981. c. 58, s. 4.
- (2) Where the collateral is consumer goods, a notice reg- Consumer istered under clause (1) (a) or an extension notice registered registration registration under subsection (3), as the case may be, shall set out an expiration date, which date shall not be later than the fifth anniversary of the date of registration and the notice or extension notice is effective until the end of the expiration date.

(3) A registration to which subsection (2) applies may be Idem extended before the end of the registration period by the registration of an extension notice.

(4) A notice registered under subsection (1) may be dis-Discharge charged or partially discharged by a certificate in the prescribed form and the certificate may be registered in the proper land registry office.

(5) Where a notice has been registered under subsection Effect of (1), every person dealing with the collateral shall be deemed for the purposes of subsection 34 (2) to have knowledge of the security interest. R.S.O. 1980, c. 375, s. 54 (2, 3), amended.

(6) Where the collateral is consumer goods and the expira- Loss of claim tion date set out in a notice registered under clause (1) (a) has passed and an extension notice has not been registered or has expired, the land described in the notice is not affected by any claim under the notice but this subsection does not prevent the registration of a new notice under clause (1) (a).

55. A registration may be discharged or partially dis-Discharge or charged by the registration of a financing change statement discharge of discharging or partially discharging the registration. R.S.O. registration 1980, c. 375, s. 55 (1), amended.

Demand for discharge, where security interest existed

- **56.**—(1) Where a financing statement or notice of security interest is registered under this Act, and,
  - (a) all the obligations under a security agreement to which it relates have been performed; or
  - (b) it is agreed to release part of the collateral covered by a security agreement to which it relates upon payment or performance of certain of the obligations under the security agreement, then upon payment or performance of such obligations,

any person having an interest in the collateral covered by the security agreement may deliver a written notice to the secured party demanding a financing change statement referred to in section 55 or a certificate of discharge or partial discharge referred to in subsection 54 (4), or both, and the secured party shall sign and give to the person demanding it, at the place set out in the notice, the financing change statement or the certificate of discharge or partial discharge, or both, as the case may be.

Idem, where no security interest acquired (2) Where a financing statement or notice of security interest is registered under this Act and the person named in the financing statement or notice as the secured party has not acquired a security interest in the property to which the financing statement or notice relates, any person having an interest in the property may deliver a written notice to the person named as the secured party demanding a financing change statement referred to in section 55 or a certificate of discharge referred to in subsection 54 (4), or both, and the person named as the secured party shall sign and give to the person demanding it, at the place set out in the notice, the financing change statement or the certificate of discharge, or both, as the case may be.

Interpretation

(3) For the purposes of subsections (4) and (5), "secured party" includes a person named in a financing statement or notice of security interest as the secured party to whom subsection (2) applies.

Failure to deliver (4) Where the secured party, without reasonable excuse, fails to deliver the financing change statement or certificate of discharge or partial discharge, or both, as the case may be, required under subsection (1) or (2) within ten days after receipt of a demand therefor, the secured party shall pay \$500 to the person making the demand and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

(5) Upon application to the District Court, the court may,

Security or payment into court

- (a) allow security for or payment into court of the amount claimed by the secured party and such costs as the court may fix, and thereupon order the secured party to discharge or partially discharge, as the case may be, the registration of the financing statement or notice of security interest; or
- (b) order upon any ground that the court considers proper that,
  - (i) the registrar amend the information recorded in the central file of the registration system to indicate that the registration of the financing statement has been discharged or partially discharged, as the case may be, or
  - (ii) the land registrar delete any entry in the books of the land registry office related to the notice of security interest or that the land registrar amend the books of the land registry office to indicate that the security interest has been discharged or partially discharged, as the case may be.
- (6) Where the person receiving a notice under clause Successors in (1) (a) did not have a security interest in the collateral immediately before all the obligations under the security agreement to which it relates were performed, the person shall, within fifteen days after receiving the notice, disclose the name and address of the latest successor in interest known to the person, and, if without reasonable excuse, the person fails to do so or the answer is incomplete or incorrect, the person shall pay \$500 to the person making the demand and any damages resulting from the failure which sum and damages are recoverable in any court of competent jurisdiction.

57.—(1) Within thirty days after all the obligations under Consumer a security agreement that creates a security interest in consumer goods have been performed or forgiven, the secured party shall register,

goods, duty of secured party to register or provide discharge

- (a) a financing change statement discharging the registration if the security interest has been perfected by registration; and
- (b) a certificate of discharge, if a notice of security interest has been registered under section 54.

Failure to register

(2) Where a secured party fails to comply with subsection (1), the secured party shall, on written notice from the debtor, pay the debtor \$500 and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

Rights not affected

(3) Subsections (1) and (2) do not affect any rights under section 56 of the debtor or of any other person having an interest in the collateral. *New*.

## PART V

#### **DEFAULT—RIGHTS AND REMEDIES**

Rights and remedies cumulative

**58.** The rights and remedies mentioned in this Part are cumulative. R.S.O. 1980, c. 375, s. 56 (1).

Rights and remedies of secured party

**59.**—(1) Where the debtor is in default under a security agreement, the secured party has the rights and remedies provided in the security agreement and the rights and remedies provided in this Part and, when in possession of the collateral, the rights, remedies and duties provided in section 17.

Enforcement by secured party (2) The secured party may enforce a security interest by any method permitted by law and, if the collateral is or includes documents of title, the secured party may proceed either as to the documents of title or as to the goods covered thereby, and any method of enforcement that is permitted with respect to the documents of title is also permitted, with necessary modifications, with respect to the goods covered thereby.

Rights and remedies of debtor

(3) Where the debtor is in default under a security agreement, the debtor has the rights and remedies provided in the security agreement and the rights and remedies provided in this Part and in section 17.

Determination of standards

(4) Subject to subsection (5), a security agreement may set out the standards by which the rights of the debtor and the duties of the secured party are to be measured, so long as those standards are not manifestly unreasonable having regard to the nature of the rights and duties.

Non-waiver of rights and duties

(5) Despite subsection (1), the provisions of section 17, and sections 63 to 66, to the extent that they give rights to the debtor and impose duties upon the secured party, shall not be waived or varied except as provided by this Act. R.S.O. 1980, c. 375, s. 56 (2-5), amended.

(6) Where a security agreement covers both real and per- Where sonal property, the secured party may proceed under this Part covers both as to the personal property or may proceed as to both the real real and and the personal property in accordance with the secured party's rights, remedies and duties in respect of the real property, with all necessary modifications, as if the personal property were real property, in which case this Part does not apply. R.S.O. 1980, c. 375, s. 56 (6).

agreement property

(7) A security agreement does not merge merely because the claim has been reduced to judgment by the secured party or because the secured party has levied execution thereunder on the collateral. R.S.O. 1980, c. 375, s. 56 (7), amended.

No merger in

## **60.**—(1) Nothing in this Act prevents,

Receiver, receiver and

- (a) the parties to a security agreement from agreeing that the secured party may appoint a receiver or receiver and manager and, except as provided by this Act, determining the rights and duties of the receiver or receiver and manager by agreement; or
- a court of competent jurisdiction from appointing a receiver or receiver and manager and determining rights and duties of the receiver or receiver and manager by order.
- (2) Upon application of the secured party, the debtor or Idem any other person with an interest in the collateral, and after notice to any other person that the court directs, the Supreme Court, with respect to a receiver or receiver and manager however appointed, may,

- remove, replace or discharge the receiver or receiver and manager;
- (b) give directions on any matter relating to the duties of the receiver or receiver and manager;
- approve the accounts and fix the remuneration of the receiver or receiver and manager;
- (d) make any order with respect to the receiver or receiver and manager that it thinks fit in the exercise of its general jurisdiction over a receiver or receiver and manager. New.
- **61.**—(1) Where so agreed and in any event upon default Collection under a security agreement, a secured party is entitled,

rights of secured party

- (a) to notify any person obligated on an account or on chattel paper or any obligor on an instrument to make payment to the secured party whether or not the assignor was theretofore making collections on the collateral; and
- (b) to take control of any proceeds to which the secured party is entitled under section 25.

Idem

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from a person obligated on an account or on chattel paper or an obligor on an instrument shall proceed in a commercially reasonable manner and the secured party may deduct the reasonable expenses of realization from the collections. R.S.O. 1980, c. 375, s. 57, amended.

Possession upon default

- 62. Upon default under a security agreement,
  - (a) the secured party has, unless otherwise agreed, the right to take possession of the collateral by any method permitted by law;
  - (b) if the collateral is equipment and the security interest has been perfected by registration, the secured party may, in a reasonable manner, render such equipment unusable without removal thereof from the debtor's premises, and the secured party shall thereupon be deemed to have taken possession of such equipment; and
  - (c) the secured party may dispose of collateral on the debtor's premises in accordance with section 63. R.S.O. 1980, c. 375, s. 57, amended.

Disposal of collateral

- **63.**—(1) Upon default under a security agreement, the secured party may dispose of any of the collateral in its condition either before or after any commercially reasonable repair, processing or preparation for disposition, and the proceeds of the disposition shall be applied consecutively to,
  - (a) the reasonable expenses of the secured party, including the cost of insurance and payment of taxes and other charges incurred in retaking, holding, repairing, processing and preparing for disposition and disposing of the collateral and, to the extent provided for in the security agreement, any other reasonable expenses incurred by the secured party; and

(b) the satisfaction of the obligation secured by the security interest of the party making the disposition,

and the surplus, if any, shall be dealt with in accordance with section 64. R.S.O. 1980, c. 375, s. 59 (1), amended.

(2) Collateral may be disposed of in whole or in part, and Methods of any such disposition may be by public sale, private sale, lease or otherwise and, subject to subsection (4), may be made at any time and place and on any terms so long as every aspect of the disposition is commercially reasonable. R.S.O. 1980, c. 375, s. 59 (3).

(3) Subject to subsection 65 (1), the secured party may Secured delay disposition of all or part of the collateral for such period to delay of time as is commercially reasonable. R.S.O. 1980, c. 375, disposition of s. 59 (4), amended.

(4) Subject to subsection (6), the secured party shall give not less than fifteen days notice in writing of the matters described in subsection (5) to.

Notice required

- the debtor who owes payment or performance of the obligation secured;
- every person who is known by the secured party, before the date that the notice is served on the debtor, to be an owner of the collateral or an obligor who may owe payment or performance of the obligation secured;
- every person who has a security interest in the collateral and whose interest.
  - (i) was perfected by possession, the continuance of which was prevented by the secured party who has taken possession of the collateral, or
  - (ii) is perfected by registration before the date the notice is served on the debtor:
- (d) every person with an interest in the collateral who has delivered a written notice to the secured party of the interest in the collateral before the date that the notice is served on the debtor.
- (5) The notice mentioned in subsection (4) shall set out,

Idem

(a) a brief description of the collateral;

- (b) the amount required to satisfy the obligation secured by the security interest;
- (c) the amount of the applicable expenses referred to in clause (1) (a) or, in a case where the amount of such expenses has not been determined, a reasonable estimate thereof;
- (d) a statement that upon receipt of payment the payor will be credited with any rebates or allowances to which the debtor is entitled by law or under the agreement;
- (e) a statement that upon payment of the amounts due under clauses (b) and (c), any person entitled to receive notice may redeem the collateral;
- (f) a statement that unless the amounts due are paid the collateral will be disposed of and the debtor may be liable for any deficiency; and
- (g) the date, time and place of any public sale or the date after which any private disposition of the collateral is to be made.

Idem

(6) If the notice to the debtor under clause (4) (a) is mailed, then the relevant date for the purpose of clause (4) (b), subclause (4) (c) (ii) and clause (4) (d) shall be the date of mailing and not the date of service.

Notice not required

- (7) The notice mentioned in subsection (4) is not required where,
  - (a) the collateral is perishable;
  - (b) the secured party believes on reasonable grounds that the collateral will decline speedily in value;
  - (c) the collateral is of a type customarily sold on a recognized market;
  - (d) the cost of care and storage of the collateral is disproportionately large relative to its value;
  - (e) for any reason not otherwise provided for in this subsection, the District Court, on an application made without notice to any other person, is satisfied that a notice is not required;

- after default, every person entitled to receive a notice of disposition under subsection (4) consents in writing to the immediate disposition of the collateral: or
- (g) a receiver and manager disposes of collateral in the course of the debtor's business.
- (8) The secured party may buy the collateral or any part Secured thereof only at a public sale unless the District Court, on application, orders otherwise. R.S.O. 1980, c. 375, s. 59 (7), collateral amended.

(9) Where collateral is disposed of in accordance with this Effect of section, the disposition discharges the security interest of the disposition of collateral secured party making the disposition and, if the disposition is made to a buyer who buys in good faith for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

- (10) Where collateral is disposed of by a secured party after Idem default otherwise than in accordance with this section, then,
  - (a) in the case of a public sale, if the buyer has no knowledge of any defect in the sale and if the buyer does not buy in collusion with the secured party. other bidders or the person conducting the sale; or
  - (b) in any other case, if the buyer acts in good faith,

the disposition discharges the security interest of the secured party making the disposition and, where the disposition is made to a buyer for value, discharges also any subordinate security interest and terminates the debtor's interest in the collateral.

(11) A person who is liable to a secured party under a guar- Certain antee, endorsement, covenant, repurchase agreement or the collateral like and who receives a transfer of collateral from the secured party or is subrogated to the secured party's rights has thereafter the rights and duties of the secured party, and such a transfer of collateral is not a disposition of the collateral. R.S.O. 1980, c. 375, s. 59 (8-10).

**64.**—(1) Where the secured party has dealt with the col- Distribution lateral under section 61 or has disposed of it, the secured party shall account for and, subject to subsection (4), pay over any surplus consecutively to,

of surplus

- (a) any person who has a security interest in the collateral that is subordinate to that of the secured party and whose interest,
  - (i) was perfected by possession, the continuance of which was prevented by the secured party who took possession of the collateral, or
  - (ii) was, immediately before the dealing or disposition, perfected by registration;
- (b) any other person with an interest in the surplus who has delivered a written notice to the secured party of the interest before the distribution of the proceeds; and
- (c) the debtor or any other person who is known by the secured party to be an owner of the collateral,

but the priority of the claim of any person referred to in clauses (a), (b) and (c) against the recipient of the surplus shall not be prejudiced thereby. R.S.O. 1980, c. 375, s. 60, amended.

Proof of interest

(2) The secured party may require any person mentioned in subsection (1) to furnish proof of that person's interest, and, unless the proof is furnished within ten days after demand by the secured party, the secured party need not pay over any portion of the surplus to the person.

Deficiency

(3) Unless otherwise agreed in the security agreement, or unless otherwise provided under this or any other Act, the debtor is liable for any deficiency.

Payment into court

(4) Where there is a question as to who is entitled to receive payment under subsection (1), the secured party may pay the surplus into the District Court and the surplus shall not be paid out except upon an application under section 67 by a person claiming an entitlement thereto. *New*.

Compulsory disposition of consumer goods 65.—(1) Where a security agreement secures an indebtedness and the collateral is consumer goods and the debtor has paid at least 60 per cent of the indebtedness secured and has not signed, after default, a statement renouncing or modifying the debtor's rights under this Part, the secured party who has taken possession of the collateral shall, within ninety days after taking possession, dispose of or contract to dispose of the collateral under section 63, and, if the secured party fails to do so, the debtor may proceed under section 67 or in an

action for damages or loss sustained. R.S.O. 1980, c. 375, s. 61 (1).

(2) In any case other than that mentioned in subsection (1), Acceptance of collateral a secured party may, after default, propose to accept the collateral in satisfaction of the obligation secured and shall serve a notice of the proposal on the persons mentioned in clauses 63 (4) (a) to (d). R.S.O. 1980, c. 375, s. 61 (2), amended.

(3) If any person entitled to notification under subsection Objection (2), whose interest in the collateral would be adversely affected by the secured party's proposal, delivers to the secured party a written objection within thirty days after service of the notice, the secured party shall dispose of the collateral in accordance with section 63. R.S.O. 1980, c. 375. s. 61 (3), part, amended.

(4) The secured party may require any person who has Proof of made an objection to the proposal to furnish proof of that person's interest in the collateral and, unless the person furnishes the proof within ten days after demand by the secured party, the secured party may proceed as if no objection had been made.

(5) Upon application to the District Court by the secured Application party, and after notice to every person who has made an objection to the proposal, the court may order that an objection to the proposal of the secured party is ineffective because,

to judge

- the person made the objection for a purpose other than the protection of the person's interest in the collateral or in the proceeds of a disposition of the collateral; or
- (b) the fair market value of the collateral is less than the total amount owing to the secured party and the estimated expenses recoverable under clause 63 (1) (a). New.
- (6) If no effective objection is made, the secured party is, Foreclosure at the expiration of the thirty-day period mentioned in subsection (3), deemed to have irrevocably elected to accept the collateral in full satisfaction of the obligation secured, and thereafter is entitled to the collateral free from all rights and interests therein of any person entitled to notification under subsection (2) whose interest is subordinate to that of the secured party and who was served with such notice. R.S.O. 1980, c. 375, s. 61 (3), part, amended.

Effect of disposition

(7) When a secured party disposes of the collateral after expiration of the period mentioned in subsection (6) to a buyer who buys in good faith for value and who takes possession of it or, in the case of an intangible, receives an assignment of it, the buyer acquires the collateral free from any interest of the secured party and the debtor and free from every interest subordinate to that of the secured party, whether or not the requirements of this section have been complied with by the secured party. New.

Redemption of collateral 66.—(1) At any time before the secured party, under section 63, has disposed of the collateral or contracted for such disposition or before the secured party under subsection 65 (6) shall be deemed to have irrevocably elected to accept the collateral, any person entitled to receive notice under subsection 63 (4) may, unless the person has otherwise agreed in writing after default, redeem the collateral by tendering fulfilment of all obligations secured by the collateral together with a sum equal to the reasonable expenses referred to in clause 63 (1) (a) incurred by the secured party, but if more than one person elects to redeem, the priority of their rights to redeem shall be the same as the priority of their respective interests. R.S.O. 1980, c. 375, s. 62, amended.

Consumer goods, reinstatement

- (2) Where the collateral is consumer goods, at any time before the secured party, under section 63 has disposed of the collateral or contracted for such disposition or before the secured party under subsection 65 (6) shall be deemed to have irrevocably elected to accept the collateral, the debtor may reinstate the security agreement by paying,
  - (a) the sum actually in arrears, exclusive of the operation of any acceleration clause, and by curing any other default which entitles the secured party to dispose of the collateral; and
  - (b) a sum equal to the reasonable expenses referred to in clause 63 (1) (a) incurred by the secured party.

Limitation

(3) The right to reinstate under subsection (2) may not be exercised more than once during the term of the security agreement, unless the District Court, on the application of the debtor, orders otherwise. *New*.

## **PART VI**

## **MISCELLANEOUS**

Court orders and directions

67.—(1) Upon application to the Supreme Court or to the District Court by a debtor, a creditor of a debtor, a secured

party, an obligor who may owe payment or performance of the obligation secured or any person who has an interest in collateral which may be affected by an order under this section, the court may,

- (a) make any order, including binding declarations of right and injunctive relief, that is necessary to ensure compliance with Part V, section 17 or subsection 34 (3) or 35 (4);
- give directions to any party regarding the exercise of the party's rights or the discharge of the party's obligations under Part V, section 17 or subsection 34 (3) or 35 (4);
- make any order necessary to determine questions of priority or entitlement in or to the collateral or its proceeds:
- relieve any party from compliance with the requirements of Part V, section 17 or subsection 34 (3) or 35 (4), but only on terms that are just for all parties concerned:
- (e) make any order necessary to ensure protection of the interests of any person in the collateral, but only on terms that are just for all parties concerned; and
- (f) make an order requiring a secured party to make good any default in connection with the secured party's custody, management or disposition of the collateral of the debtor or to relieve the secured party from any default on such terms as the court considers just, and to confirm any act of the secured party. R.S.O. 1980, c. 375, s. 63 (1), amended.
- (2) Where a person fails to discharge any duties or obliga- Compentions imposed upon the person by Part V, section 17 or sub- loss or section 34 (3) or 35 (4), the person to whom the duty or oblidamages gation is owed has a right to recover compensation for any loss or damage suffered because of the failure and which was reasonably foreseeable, and, where the collateral is consumer goods, the debtor has a right to recover in any event an amount equal to the greater of \$500 or the actual loss or damages. R.S.O. 1980, c. 375, s. 63 (2), amended.

(3) Except as otherwise provided in this Act, any provision Void in any security agreement which purports to exclude any duty or obligation imposed under this Act or to exclude or limit lia-

provisions

bility for failure to discharge duties or obligations imposed by this Act is void. New.

Removal into Supreme Court

(4) Where an application under subsection (1) is made to the District Court, a respondent, by notice served on the applicant and on the other respondents, if any, and filed with proof of service with the local registrar of the District Court at least two days before the hearing date of the application, may require the application to be removed into the Supreme Court. R.S.O. 1980, c. 375, c. 63 (3), amended.

Transmission of papers

(5) Upon the filing of the notice with proof of service, the local registrar of the District Court shall forthwith transmit the papers to the local registrar of the Supreme Court in the county or district in which the application was commenced, and the application shall continue as if it had commenced in the Supreme Court.

R.S.O. 1980, c. 375, s. 63 (4, 5), amended.

Service of notices, etc.

- **68.**—(1) Where under this Act, a notice or any other document may be or is required to be given or delivered to or served on,
  - (a) a secured party named in a registered financing statement or financing change statement, the notice or document may be given to or served on the secured party by personal service or by registered mail at the most recent address of the secured party as shown in the financing statement or financing change statement; and
  - (b) a debtor by a secured party, the notice or document may be given to or served on the debtor by personal service or by registered mail at the last address of the debtor known to the secured party.

Idem

- (2) Where under this Act, a notice or any document may be or is required to be given or delivered to or served on a person, other than a person to whom subsection (1) applies, the notice or document may be given to or served on,
  - (a) an individual, by personal service or by registered mail addressed to the individual at his or her residence or place of business and, if the individual has more than one residence or place of business, at any one of the residences or places of business;
  - (b) a partnership,
    - (i) by personal service,

- (A) upon any one or more of the partners,
- (B) upon any person having control or management of the partnership business at the principal place of business of the partnership, or
- (ii) by registered mail addressed to,
  - (A) the partnership,
  - (B) any one or more of the general partners,
  - (C) any person having control or management of the partnership business,

at the principal address of the partnership;

- a municipal corporation by delivery or registered mail addressed to its head of council or chief administrative officer at its principal office;
- a local board, as defined in the Municipal Affairs R.S.O. 1980, Act, by delivery or registered mail addressed to its chairman or chief administrative officer at its principal office;

- a corporation, other than a municipal corporation (e) or a local board thereof.
  - (i) by serving any officer, director, or any agent thereof, or the manager or person in charge of any office or other place where the corporation carries on business, or
  - (ii) by registered mail addressed to the address of its registered or head office;
- (f) upon Her Majesty in right of Ontario, unless the regulations otherwise provide, by delivery or registered mail addressed to the registrar at the central office of the registration system.
- (3) Where an individual, partnership or body corporate Out of resides or has its principal office or its registered or head office out of Ontario but is carrying on business in Ontario, a notice or document referred to in subsection (2) may be given, delivered or served by serving any person carrying on the business in Ontario and in the case of an extra-provincial com-

pany, by serving the attorney for service in Ontario and such service may be by personal service or by registered mail at the address of the person or attorney.

Service by registered mail (4) A notice or document given or served by registered mail shall be deemed to have been given, delivered or served when the addressee actually receives the notice or document, or, except for the purposes of subsection 33 (1), upon the expiry of ten days after the day of registration, whichever is earlier.

Court documents (5) Any notice or other document to be served on any person in relation to a proceeding in a court shall be served in accordance with the rules of the court and subsections (1) to (4) do not apply to any such notice. *New*.

Knowledge and notice

- **69.** For the purposes of this Act, a person learns or knows or has notice or is notified when service is effected in accordance with section 68 or the regulations or when,
  - (a) in the case of an individual, information comes to his or her attention under circumstances in which a reasonable person would take cognizance of it;
  - (b) in the case of a partnership, information has come to the attention of one or more of the general partners or of a person having control or management of the partnership business under circumstances in which a reasonable person would take cognizance of it;
  - (c) in the case of a corporation, other than a municipal corporation or local board thereof, information has come to the attention of a senior employee of the corporation with responsibility for matters to which the information relates under circumstances in which a reasonable person would take cognizance of it. New.

Extension or abridgment of time

**70.** Where in this Act, other than in sections 5, 6, 7 and 12 and in Parts III and IV and in this Part, a time prescribed within which or before which any act or thing must be done, the District Court, on an application without notice to any other person, may extend or abridge the time for compliance on terms that the court considers just. *New*.

Destruction of books, etc.

**71.**—(1) The registrar may authorize the destruction of books, documents, records or paper, including those related to a prior law as defined in Part VII.

- (a) that have been microfilmed; or
- (b) that in the registrar's opinion need not be preserved R.S.O. 1980, c. 375, s. 68 (1), any longer. amended.
- (2) The registrar may remove from the central file of the Removal of registration system information related to a financing statement or financing change statement,

information registration system

- (a) if the financing statement is no longer effective;
- upon the receipt of a financing change statement discharging the registration of a financing statement:
- (c) upon receipt of a court order requiring the registrar to amend the information recorded in the central file to indicate the discharge of a financing statement or a financing change statement. R.S.O. 1980, c. 375, s. 68 (2), amended.
- (3) The registrar, upon notice to the secured party, may Idem remove from the central file of the registration system information related to a financing change statement if,

- (a) it does not set out the correct registration or file number of the financing statement or financing change statement to which it relates; or
- (b) it does not set out the name of the debtor as that name is set out in the financing statement or financing change statement to which it relates.
- (4) Where the destruction of a document has been author- Idem ized under subsection (1), the registrar, instead of destroying the document, may release the document to the secured party or the secured party's agent. New.

72. Except in so far as they are inconsistent with the Application express provisions of this Act, the principles of law and equi- of principles of law and ty, including the law merchant, the law relating to capacity to equity contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake and other validating or invalidating rules of law, shall supplement this Act and shall continue to apply. New.

73. Where there is conflict between a provision of this Act Conflict with and a provision of the Consumer Protection Act, the provision R.S.O. 1980, of the Consumer Protection Act prevails and, where there is c. 87

R.S.O. 1980, c. 87

conflict between a provision of this Act and a provision of any general or special Act, other than the *Consumer Protection Act*, the provision of this Act prevails. R.S.O. 1980, c. 375, s. 69.

Regulations

- **74.** The Lieutenant Governor in Council may make regulations,
  - (a) designating branch offices;
  - (b) prescribing the duties of the registrar and branch registrars;
  - (c) prescribing business hours for the offices of the registration system or any of them;
  - (d) respecting the registration system and searches thereof;
  - (e) requiring the payment of fees and prescribing the amounts thereof;
  - (f) prescribing the amount of any charge to which a secured party is entitled for any statement or copy provided pursuant to section 18;
  - (g) prescribing forms, the information to be contained in forms, the manner of recording the information, including the manner of setting out names, and the persons who shall sign forms;
  - (h) requiring that the forms to be used shall be those provided or approved by the registrar;
  - (i) governing the time assigned to the registration of financing statements and financing change statements;
  - (j) prescribing abbreviations, expansions or symbols that may be used in a financing statement or financing change statement or in the recording or production of information by the registrar;
  - (k) fixing the address to which financing statements and financing change statements shall be addressed when tendered by mail for registration;
  - (l) prescribing additional methods of serving notices and other documents for the purposes of section 68 and prescribing methods of serving notices and

other documents on persons not referred to in section 68;

- (m) prescribing the portion of the fees received under this Act that shall be paid into The Personal Property Security Assurance Fund;
- (n) defining "motor vehicle";
- (o) prescribing a lexicon of French-English terms to be used in connection with prescribed forms and deeming the corresponding forms of expression in the lexicon to have the same effect in law. R.S.O. 1980, c. 375, s. 70 (1); 1981, c. 58, s. 5 (1), amended.

## **PART VII**

# APPLICATION, TRANSITION, AMENDMENTS, REPEALS, COMMENCEMENT

75. In this Part, "prior law" means,

Definition

- (a) the law related to a security agreement made before the 1st day of April, 1976, where the security agreement was one to which *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act*, being chapters 33, 45 and 76, respectively, of the Revised Statutes of Ontario, 1970, or the predecessors thereof, applied;
- (b) the law related to a security agreement made before the day this section comes into force where the security agreement was one to which the *Corporation Securities Registration Act*, being chapter 94 of the Revised Statutes of Ontario, 1980, or predecessor thereof, applied;
- (c) the law related to a security agreement made before the 1st day of April, 1976, where the security agreement is not a security agreement described in clause (a) or (b). New.
- **76.**—(1) Except as otherwise provided in this Part, this Application of Act
  - (a) to every security agreement made on or after the day this section comes into force; and

(b) to every security agreement made on or after the 1st day of April, 1976 if the security agreement was one to which the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, applied immediately before the repeal of that Act.

Idem

- (2) Except as otherwise provided in this Part, this Act does not apply,
  - (a) to a security agreement to which a prior law applied at the time of its making including any advance or extension of credit, delivery of goods or other event occurring pursuant thereto whether before or after this section comes into force; or
  - (b) to a transfer of chattel paper or an account, other than a transfer of a book debt, made before the coming into force of this section which does not secure payment or performance of an obligation.

Saving

(3) This Act does not affect the rights acquired by any person from a judgment or order of any court given or made before the day this Act comes into force, or affect the outcome of any litigation commenced on or before that day.

Priority of interest under R.S.O. 1980, c. 375

(4) Priority between security interests under security agreements described in clause (1) (b) shall be determined in accordance with the law as it existed immediately before this section came into force if the security interests have been continuously perfected since this section came into force. New.

Chattel mortgages, etc., under prior law 77.—(1) Every security agreement to which the prior law as described in clause 75 (a) applied at the time of its making continues to have such force and effect as if the Acts referred to in that clause had not been repealed if the security interest was covered by an unexpired registration under the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, immediately before the coming into force of this section.

Idem

(2) Where a security interest under a security agreement described in subsection (1) was not covered under an unexpired registration immediately before the coming into force of this section, the security interest may be perfected by the registration of a financing statement.

Application of Part IV

(3) Part IV applies to the perfection, continuation of perfection and reperfection of a security interest under a security agreement to which subsection (1) or (2) applies.

(4) Where before the coming into force of this section, a Where secured party under a security agreement to which the prior changes have law as described in clause 75 (a) applied at the time of its not been making failed to register a financing change statement after learning of the transfer of collateral and the information required to register a financing change statement or after learning of the change of name and the new name of the debtor, the secured party shall register a financing change statement recording the transfer or the new name of the debtor, as the case may be, within twenty-four months of the coming into force of this section.

(5) Where a secured party fails to register a financing Effect of change statement under subsection (4) by the end of the comply period referred to in that subsection, the security interest created by the security agreement shall be subordinate to the interest of any person without knowledge of the security interest who has subsequently acquired rights in the collateral and has relied upon a search made in the central file of the registration system in the name of the transferee or the changed name of the debtor, as the case may be. New.

78.—(1) A mortgage, charge or assignment, the registra- Corporation tion of which was provided for in the Corporation Securities Registration Act, being chapter 94 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, (collectively referred to in this section as the former Act) that was registered under the former Act before the coming into force of this section. continues to have such force and effect as if the former Act had not been repealed and except as provided in this section and sections 43 and 44, this Act does not apply to any such mortgage, charge or assignment.

(2) Where a mortgage, charge or assignment, the registra- Idem tion of which was provided for in the former Act, was made before the coming into force of this section but was not registered under that Act,

- (a) this Act shall be deemed always to have applied to the mortgage, charge or assignment; and
- (b) the security interest created by the mortgage, charge or assignment may be perfected under this
- (3) The registrar shall, with respect to each mortgage, Entries in registration registration charge and assignment, and each assignment thereof, registered under the former Act for which no certificate of discharge has been registered as of the day this section comes

into force, enter into the central file of the registration system established for the purposes of this Act,

- (a) the name of the debtor as shown in the registration under the former Act;
- (b) the registration number under the former Act; and
- (c) the following notation:

This registration was made under the Corporation Securities Registration Act (R.S.O. 1980, c. 94) or a predecessor thereof. A copy of the instrument is available for inspection in the offices of the Ministry of Consumer and Commercial Relations located at

(address of appropriate office)

Discharged registrations

(4) Mortgages, charges and assignments, and assignments thereof, registered under the former Act for which a certificate of discharge has been registered before the coming into force of this section shall not be entered into the registration system established for the purposes of this Act.

Registration period

(5) A registration entered into the central file of the registration system under subsection (3) expires when it is discharged in accordance with this section.

Change of name of debtor

(6) Where before the coming into force of this section and after the original registration under the former Act the debtor changed its name and the secured party learned of the change before the coming into force of this section, the secured party shall register a financing change statement recording the change of name within twenty-four months of the coming into force of this section.

Effect of failure to comply

(7) Where a secured party fails to register a financing change statement under subsection (6) by the end of the period referred to in that subsection, the security interest created by the mortgage, charge or assignment shall be subordinate to the interest of any person without knowledge of the security interest who has subsequently acquired rights in the collateral and has relied upon a search made in the central file of the registration system in the changed name of the debtor.

Discharge

(8) A secured party may discharge in whole or in part a mortgage, charge or assignment or any assignment thereof entered into the central file of the registration system under

subsection (3) by the registration of a financing change statement.

(9) The debtor or any person having an interest in the col-Order for lateral may make an application to the District Court for an order discharging or partially discharging a mortgage, charge or assignment or any assignment thereof entered into the central file of the registration system under subsection (3).

(10) Upon hearing an application made under subsection Idem (9) and upon being satisfied that no security interest was created or that the security interest is released or partially released, the court may order.

- (a) that the registration be discharged where no security interest was ever created or the security interest has been released: or
- (b) that a financing change statement be registered where the security interest is partially released.
- (11) The registrar may remove from the registration system information related to a registration, upon receipt of,

Removal of information registration system

- a financing change statement under subsection (8) that wholly discharges the registration entered into the central file of the registration system under subsection (3); or
- (b) a certified copy of an order made under clause (10) (a).
- (12) Subsection 30 (6) and sections 47, 48, 49 and 50, Application of ss. 30 (6), except subsections 48 (1) and (2), apply to the perfection, 47-50 continuation of perfection and reperfection of a security interest under a mortgage, charge or assignment entered into the central file of the registration system under subsection (3).

(13) Where there is a default under a mortgage, charge or Election re: assignment entered into the central file of the registration system under subsection (3), the secured party may elect to enforce the security agreement in accordance with Part V by stating in the notice referred to in subsection 63 (4) or 65 (2) that the secured party has elected to be bound by Part V.

enforcement

(14) Subsections (6) and (12) do not apply so as to require Trust a trustee under a trust indenture to file a financing change statement recording the change of a debtor's name unless after the coming into force of this section the trust indenture is amended. New.

indentures

Saving, certain corporation securities 79.—(1) A mortgage, charge or assignment, the registration of which was provided for in the Corporation Securities Registration Act, being chapter 94 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, shall not be invalid by reason only that it was not registered under that Act, if the security interest created by the mortgage, charge or assignment was perfected by registration in compliance with the Personal Property Security Act, being chapter 375 of the Revised Statutes of Ontario, 1980, and the said Personal Property Security Act shall be deemed to have applied to the security interest so created from its creation and upon the coming into force of this Act, this Act applies to the security interest. 1981, c. 2, s. 1, amended.

Idem

(2) Subsection (1) applies even if after the perfection of a security interest by registration under the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, the mortgage, charge or assignment was registered under the *Corporation Securities Registration Act*, being chapter 94 of the Revised Statutes of Ontario, 1980, or a predecessor thereof. *New*.

Dual registration

- (3) Despite subsections (1) and (2), where,
  - (a) a security agreement created or provided for both,
    - (i) a security interest in any class or classes of collateral and the security interest was a mortgage, charge or assignment, the registration of which was provided for in the *Corporation Securities Registration Act*, being chapter 94 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and
    - (ii) a security interest in collateral other than collateral described in subclause (i) and the security interest was not a mortgage, charge or assignment, the registration of which was provided for in the said *Corporation Securities Registration Act*, or a predecessor thereof; and

R.S.O. 1980, c. 94

- (b) regardless of which occurred first,
  - (i) the mortgage, charge or assignment described in subclause (a) (i) was registered under the said *Corporation Securities Registration Act*, or a predecessor thereof, and

(ii) a financing statement was registered under a predecessor of this Act in relation to the security interest described in subclause (a) (ii) and the financing statement and the financing change statements, if any, in relation thereto, do not claim a security interest in the collateral described in subclause (a) (i),

the said Corporation Securities Registration Act and this Act, R.S.O. 1980, except subsections (1) and (2) applies to the security interest described in subclause (a) (i) and the predecessor of this Act and this Act applies to the security interest described in subclause (a) (ii). New.

**80.**—(1) Upon the request of any person and upon payment of the prescribed fee, a document registered under a prior law shall be provided for inspection unless the document has been destroyed.

Inspection of

(2) Upon the request of any person and upon payment of the prescribed fee, the registrar shall furnish the person with a certified copy of a document registered under a prior law unless the document has been destroyed. R.S.O. 1980. c. 375, s. 66 (2), amended.

Copies of documents

(3) A certified copy provided under subsection (2) is prima Idem facie proof of the contents of the document so certified. New.

**81.** Except as provided in subsections 78 (7) and (12), the Priorities order of priorities between a security interest created under a prior law and any other security interest shall be determined without regard to the priority rules set out in this Act.

82.—(1) A financing statement or financing change state- Use of old ment prepared in accordance with the Personal Property Security Act, being chapter 375 of the Revised Statutes of Ontario, 1980 and the regulations thereunder, as they read immediately before the repeal of that Act, shall be accepted for registration if it is received by the registrar or a branch registrar within thirty days of the day this section comes into force.

(2) Every financing statement or financing change state- Period of ment received by the registrar or a branch registrar before the repeal of the Personal Property Security Act, being chapter 375 of the Revised Statutes of Ontario, 1980, or received under subsection (1) expires on the expiry of the third anniversary of its registration or, in the case of a financing change statement that does not extend a period of registration, with

registration

the expiry of the financing statement to which it relates and may be renewed under this Act. New.

83. Section 26 of the Execution Act, being chapter 146 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Taking security interests in personal property in execution R.S.O. 1980, c. 375

26.—(1) Where an execution debtor is a secured party and the security interest is perfected by registration under the *Personal Property Security Act*, upon payment of the proper fees, a sheriff may seize the security interest by registering a financing change statement under that Act in the form prescribed thereunder recording the seizure of the security interest and the sheriff, after registering the financing change statement, may sell the execution debtor's security interest.

Effect of registration

(2) Upon the registration of the financing change statement referred to in subsection (1), the security interest of the execution debtor is bound by the execution, and the registration is notice of the execution and seizure to all persons who may thereafter acquire an interest in the security agreement or the property subject to the security interest and the rights of the sheriff and the execution creditor have priority over the rights of all persons who subsequently acquire an interest in the security agreement.

Service of notice on debtor (3) The debtor under a security agreement is not affected by a seizure under this section unless a notice of the seizure has been served upon the debtor, and any payment made by the debtor under the security agreement to the secured party before such service shall be valid.

Payment to sheriff

(4) After the debtor has been served with a notice of seizure under subsection (3), the debtor shall pay to the sheriff all money then payable and, as it becomes due, all money that may become payable under the security agreement so far as may be necessary to satisfy the execution.

Payments made after notice

(5) Any payment made to the secured party after service of the notice of seizure under subsection (3) or after actual knowledge of the seizure is void as against the sheriff and the execution creditor.

When seizure no longer effective

R.S.O. 1980, c. 375 (6) Where a financing change statement has been registered under subsection (2) and the execution has expired or is satisfied, set aside or withdrawn, the sheriff shall register a financing change statement under the *Personal Property Security Act* in the form prescribed thereunder recording the fact that the seizure of the security interest is no longer effective.

(7) In addition to the remedies provided in this Act, upon Rights and seizure of the security interest, the sheriff has all the rights sheriff and remedies of the execution debtor under the security agreement and the Personal Property Security Act, and the sheriff is entitled to a bond of indemnity sufficient to indemnify against all costs and expenses to be incurred by the sheriff in the enforcement of the security agreement.

(8) On and after the day sections 68 and 69 of the Personal Transition Property Security Act, 1989 come into force, the references to the Personal Property Security Act in subsections (1), (6) and 1989, c. 16 (7) shall be deemed to be references to the Personal Property Security Act, 1989.

## **84.**—(1) The following Acts are repealed:

Repeals

- 1. The Personal Property Security Act, being chapter 375 of the Revised Statutes of Ontario, 1980.
- 2. The Personal Property Security Amendment Act, 1981, being chapter 2.
- 3. The Personal Property Security Amendment Act, 1981 (No. 2), being chapter 58.
- The Bills of Sale Act, being chapter 43 of the 4. Revised Statutes of Ontario, 1980.
- 5. The Corporation Securities Registration Act, being chapter 94 of the Revised Statutes of Ontario, 1980.

(2) No sale of goods to which the Bills of Sale Act applied Transition R.S.O. 1980, before its repeal shall be void for failure to comply with that Act.

(3) Subsection (2) does not affect the rights acquired by any Idem person from a judgment or order of any court before the day this Act comes into force or affect the outcome of any litigation commenced on or before the 8th day of June, 1988.

85. This Act comes into force on a day to be named by Commenceproclamation of the Lieutenant Governor.

86. The short title of this Act is the Personal Property Short title Security Act, 1989.



4.5-

37 ELIZABETH II, 1988

**Bill 152** 

(Chapter 17 Statutes of Ontario, 1989)

An Act to revise and consolidate the Law related to Repairers' and Storers' Liens

The Hon. W. Wrye

Minister of Consumer and Commercial Relations

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 8th, 1988

2nd Reading March 1st, 1989

3rd Reading March 2nd, 1989

Royal Assent March 2nd, 1989



Bill 152 1988

## An Act to revise and consolidate the Law related to Repairers' and Storers' Liens

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

- 1.—(1) In this Act,
- "article" means an item of tangible personal property other than a fixture;
- "lien claimant" means a person who is entitled to claim a lien for the repair, storage or storage and repair of an article;
- "motor vehicle" means a motor vehicle as defined in the regulations made under the *Personal Property Security Act*, 1989;
  - "prescribed" means prescribed by a regulation made under this Act;
  - "registrar" and "branch registrar" mean, respectively, the registrar and a branch registrar under the *Personal Property Security Act*, 1989;
  - "repair" means an expenditure of money on, or the application of labour, skill or materials to, an article for the purpose of altering, improving or restoring its properties or maintaining its condition and includes,
    - (a) the transportation of the article for purpose of making a repair,
    - (b) the towing of an article,
    - (c) the salvage of an article;
  - "repairer" means a person who makes a repair on the understanding that the person will be paid for the repair;
  - "storer" means a person who receives an article for storage or storage and repair on the understanding that the person will be paid for the storage or storage and repair, as the case may be.

Repair, etc., by third party

- (2) The following rules apply where an article is left for repair, storage or storage and repair and the article is forwarded by the person with whom the article is left to some other person for the repair, storage or storage and repair:
  - 1. The person with whom the article was left shall be deemed to have performed the services and to be entitled to the rights of a repairer or storer against the person who left the article unless,

- i. there is a written agreement between the person who left the article and the person with whom it was left that there is no lien, or
- ii. the person with whom the article was left has agreed to act as agent for the person who left the article in forwarding it to an identified repairer or storer for the repair, storage or storage and repair.
- 2. Unless subparagraph ii of paragraph 1 applies, the person to whom the article was forwarded does not have a lien under this Act.
- 2. This Act binds the Crown.

Act binds Crown

## PART I

#### POSSESSORY LIENS

3.—(1) In the absence of a written agreement to the con-Repairer's trary, a repairer has a lien against an article that the repairer has repaired for an amount equal to,

- (a) the amount that the person who requested the repair agreed to pay;
- (b) where no such amount has been agreed upon, the fair value of the repair; or
- (c) where only part of a repair is completed, the fair value of the part completed,

and the repairer may retain possession of the article until the amount is paid.

(2) A repairer's lien arises and takes effect when the repair When lien is commenced.

(3) A repairer has the right to sell an article that is subject Disposition to a lien in accordance with Part III (Redemption, Sale or Other Disposition) upon the expiration of the sixty-day period following the day,

- (a) on which the amount required to pay for the repair comes due; or
- (b) on which the repair is completed, if no date is stated for when the amount required to pay for the repair comes due.

Bill 152

Deemed possession

(4) For the purposes of this Act, a repairer who commences the repair of an article that is not in the repairer's actual possession shall be deemed to have gained possession of the article when the repair is commenced and shall be deemed to have given up possession when the repair is completed or abandoned.

Idem

(5) A repairer who, under subsection (4), is deemed to have possession of an article may remove the article from the premises on which the repair is made.

Storer's lien

- **4.**—(1) Subject to subsection (2), a storer has a lien against an article that the storer has stored or stored and repaired for an amount equal to,
  - (a) the amount agreed upon for the storage or storage and repair of the article;
  - (b) where no such amount has been agreed upon, the fair value of the storage or storage and repair, including all lawful claims for money advanced, interest on money advanced, insurance, transportation, labour, weighing, packing and other expenses incurred in relation to the storage or storage and repair of the article,

and the storer may retain possession of the article until the amount is paid.

Limit on storer's lien (2) A storer is not entitled to a lien for a repair made to an article unless the repair is made by the storer on the understanding that the storer would be paid for the repair or unless subsection 28 (2) applies.

When lien arises

(3) A storer's lien arises and takes effect when the storer receives possession of the article for storage or storage and repair.

Notice to owner, etc., in certain cases

- (4) Where the storer knows or has reason to believe that possession of an article subject to a lien was received from a person other than,
  - (a) its owner; or
  - (b) a person having its owner's authority,

the storer, within sixty days after the day of receiving the article, shall give written notice of the lien,

(c) to every person whom the storer knows or has reason to believe is the owner or has an interest in the article, including every person who has a security interest in the article that is perfected by registration under the Personal Property Security Act, 1989 1989, c. 16 against the name of the person whom the storer knows or has reason to believe is the owner; and

- (d) in addition to the notices required by clause (c) where the article is a vehicle.
  - (i) to every person who has a registered claim for lien against the article under Part II of this Act.
  - (ii) to every person who has a security interest in the vehicle that is perfected by registration under the Personal Property Security Act, 1989 against the vehicle identification number of the vehicle, and
  - (iii) if the vehicle is registered under the Highway R.S.O. 1980, Traffic Act, to the registered owner.

(5) A notice under subsection (4) shall contain,

Contents of notice

- (a) a description of the article sufficient to enable it to be identified;
- (b) the address of the place of storage, the date that it was received and the name of the person from whom it was received:
- a statement that a lien is claimed under this Act by the storer in respect of the article; and
- (d) a statement advising how the article may be redeemed.

(6) Where a storer fails to give the notice required by sub- Effect of section (4), the storer's lien as against the person who should give notice have been given the notice is limited to the unpaid amount owing in respect of the period of sixty days from the date when the article was received, and the storer shall surrender possession of the article to that person where the person proves a right to possession and pays that amount.

(7) The storer has the right to sell an article that is subject Disposition to a lien in accordance with Part III (Redemption, Sale or Other Disposition) upon the expiration of the sixty-day period

following the day on which the amount required to pay for the storage or storage and repair becomes due.

Loss of lien

5. A lien under this Part is discharged and cannot be revived as an interest in the article if possession of the article that is subject to the lien is surrendered to, or lawfully comes into the possession of, the owner or any other person who is entitled to receive a notice under subsection 15 (2).

Priority of lien

**6.** A lien under this Part has priority over the interests of all other persons in the article.

## PART II

#### NON-POSSESSORY LIENS

Nonpossessory lien

7.—(1) A lien claimant who is entitled to a lien under Part I (Possessory Liens) against an article, and who gives up possession of the article without having been paid the full amount of the lien to which the lien claimant is entitled under Part I, has, in place of the possessory lien, a non-possessory lien against the article for the amount of the lien claimed under Part I that remains unpaid.

When lien arises

(2) A non-possessory lien arises and takes effect when the lien claimant gives up possession of the article.

**Priority** 

(3) A non-possessory lien has priority over the interest in the article of any other person other than a lien claimant who is claiming a lien under Part I, and, where more than one non-possessory lien is claimed in the same article, priority shall be determined according to the same rules of priority as govern the distribution of proceeds under section 16.

Period of credit not to affect lien

(4) A non-possessory lien is not extinguished by reason only that the lien claimant has allowed a period of credit for the payment of the debt to which the lien relates.

Acknowledgment of indebtedness required

(5) A non-possessory lien is enforceable only if the lien claimant obtains a signed acknowledgment of the indebtedness which acknowledgment may be on an invoice or other statement of account.

Idem

(6) An acknowledgment of indebtedness under subsection (5) is without prejudice to the right of the owner or any other person to dispute in a proceeding the amount that the lien claimant is owed.

**Transactions** in ordinary course of business

**8.**—(1) A buyer of an article from a seller who sells it in the ordinary course of business takes it free of any nonpossessory lien of a lien claimant whose lien arose from its repair or storage at the request of the seller or the seller's agent, unless the buyer signs an acknowledgment referred to in subsection 7 (5).

(2) Notwithstanding that a buyer has signed an acknowl- Idem edgment as provided in subsection (1), a purchaser purchasing the article in the ordinary course of the buyer's business takes it free of the lien claimant's lien.

9.—(1) A claim for lien or change statement to be reg- Registration istered under this Part shall be in the prescribed form and may be tendered for registration at a branch office established under Part IV of the Personal Property Security Act, 1989, or 1989, c. 16 by mail addressed to an address prescribed under that Act.

(2) A claim for lien or change statement is not invalidated Errors in nor is its effect impaired by reason only of error or omission therein or in its execution or registration unless a reasonable person is likely to be misled materially by the error or omission.

documents

10.—(1) A non-possessory lien is enforceable against third Claim for parties only if a claim for lien has been registered, and, where a person acquires a right against an article after a non-possessory lien arises, the right of the person has priority over the non-possessory lien of the lien claimant if a claim for lien was not registered before the person acquired the right.

(2) A claim for lien may relate to more than one article and Idem may be registered at any time after an acknowledgment of indebtedness has been signed.

(3) A claim for lien is effective from the time assigned to its Idem registration by the registrar or branch registrar and expires at, and cannot be renewed after, the end of the earlier of,

- (a) the end of the registration period as set out in the claim for lien or as extended by the most recent change statement registered under subsection (4) or reduced by a change statement registered under subsection (7); and
- (b) the third anniversary of the registration of the claim for lien.
- (4) The registration period set out in a claim for lien or Idem change statement may be extended by filing a change statement before the end of the registration period.

Assignment

(5) A change statement may be registered to record an assignment of a non-possessory lien where a claim for lien has been registered.

Idem

- (6) Where a claim for lien has not been registered and the lien claimant has assigned the non-possessory lien before the registration of the claim for lien, a claim for lien may be registered,
  - (a) naming the assignor as the lien claimant and subsection (5) applies; or
  - (b) naming the assignee as the lien claimant and subsection (5) does not apply.

Changes in information

- (7) Unless the information related to a claim for lien has been removed from the central file of the registration system, a change statement may be registered at any time during the registration period,
  - (a) to correct an error or omission in a claim for lien or any change statement related thereto; or
  - (b) to amend a claim for lien or any change statement related thereto where the amendment is not otherwise provided for in this Part.

Change statements

11. The registration of a change statement is effective from the time assigned to its registration by the registrar or branch registrar and is effective so long as the registration of the claim for lien to which it relates is effective.

Discharge

- **12.**—(1) A non-possessory lien is discharged and cannot be revived as an interest in the article,
  - (a) upon payment to the lien claimant of the amount of the lien claimed;
  - (b) upon payment into court under Part IV (Dispute Resolution) of the amount set out in the claim for lien;
  - (c) upon the order of a court;
  - (d) upon the registration of a change statement recording the discharge;
  - (e) upon the expiry of the registration period of the claim for lien; and

- (f) if the article is a motor vehicle, upon a change of ownership of the vehicle if a claim for lien was not registered before the change of ownership occurred.
- (2) Where a claim for lien relates to more than one article Partial and it is agreed to release one or more, but not all, of the articles from the lien, a change statement recording the release may be registered.

(3) Where a release described in subsection (2) is given, Idem any person may, by written request, require the lien claimant to deliver to the person making the request a change statement recording the release.

(4) Within thirty days after a registered claim for lien is dis- Time limit charged under clause (1) (a), (b), (c) or (f) or within thirty days of a request being made under subsection (3), the lien claimant shall register a change statement recording the discharge or partial discharge.

(5) Where a lien claimant fails to comply with subsection Penalty (4), the claimant, on written notice from the owner or other person with an interest in the article, shall pay the owner or other person \$100 and any damages resulting from the failure, which sum and damages are recoverable in any court of competent jurisdiction.

13. Upon application to the District Court, the court may Correction of order the registrar to amend the information recorded in the records central file of the registration system to indicate that the registration of a claim for lien has been discharged or has been partially discharged, upon any grounds and subject to any conditions that the court considers appropriate in the circumstances.

14.—(1) A lien claimant who has a non-possessory lien Seizure of and who has registered a claim for lien may deliver at any time to the sheriff of the county or district in which the article is located a copy of the registered claim for lien and a direction to seize the article.

(2) Upon receipt of a copy of a registered claim for lien and Idem a direction to seize an article under subsection (1), the sheriff shall seize the article described in the direction wherever it may be found and shall deliver it to the lien claimant who issued the direction.

(3) Nothing in subsection (1) or (2) prevents a lien claimant Other powers from exercising any lawful power of seizure with respect to of seizure not affected

the article whether provided for by contract or otherwise available to the lien claimant by law.

Limitation

(4) An article shall not be seized if it is in the possession of a lien claimant who claims to be entitled to a lien against it under Part I (Possessory Liens).

Disposition

- (5) A lien claimant who has a non-possessory lien against an article has a right to sell the article in accordance with Part III (Redemption, Sale or Other Disposition) if,
  - (a) the article has been seized and is in the possession of the lien claimant;
  - (b) at least sixty days have expired since the day when the non-possessory lien arose; and
  - (c) any part of the amount to which the lien relates is due but unpaid.

Liability for damages

(6) The lien claimant is liable to any person who suffers damages as a result of a seizure under subsection (1) if the lien claimant has entered into an agreement for payment of the debt to which the claim for lien relates and there has been no default under the agreement.

## **PART III**

## REDEMPTION, SALE OR OTHER DISPOSITION

Sale of article

15.—(1) A lien claimant who has a right, under this Act, to sell an article shall not exercise that right unless the lien claimant has given notice of intention to sell the article.

Idem

- (2) A notice of intention to sell an article shall be in writing and shall be given at least fifteen days before the sale to,
  - (a) the person from whom the article was received for repair, storage or storage and repair;
  - (b) where the article was received for repair, storage or storage and repair from a person other than the owner,
    - (i) the person who is the registered owner of the article, if the article is a motor vehicle, or
    - (ii) the person the lien claimant knows or has reason to believe is the owner, if the article is not a motor vehicle;

- (c) every person who has a security interest in the arti-
- cle under the *Personal Property Security Act*, 1989 1989, c. 16 that is perfected by registration against,
  - (i) the name of the owner, if the owner is a person entitled to notice under clause (a) or (b),
  - (ii) the vehicle identification number, if the article is a motor vehicle; and
- (d) every person who has registered a claim for lien under Part II (Non-possessory Liens) against,
  - (i) the name of the owner, if the owner is a person entitled to notice under clause (a) or (b),
  - (ii) the vehicle identification number, if the article is a motor vehicle.
- (3) The notice required by subsection (2) shall contain,

Contents of notice

- (a) a description of the article sufficient to enable it to be identified;
- (b) a statement of the amount required to satisfy the lien, as of the time when the notice is given, and any costs of seizure;
- (c) a statement of the method of calculating, on a daily basis, any further costs for storage or preservation of the article that may be incurred between the time when the notice is given and the time when the sale is to take place;
- (d) a statement that the article may be redeemed by any person entitled to receive notice by payment of the amount determined under clauses (b) and (c) plus any other reasonable costs incurred in preparing the article for sale;
- (e) a statement of,
  - (i) the name of the person to whom payment may be made,
  - (ii) the address where the article may be redeemed,
  - (iii) the times during which redemption may be made,

- (iv) the telephone number, if any, of the person giving notice;
- (f) a statement of the date, time and place of any public sale at which the article is to be sold, or the date after which any private sale of the article is to be made; and
- (g) a statement that the article may be sold unless it is redeemed on or before the day required to be specified in the notice by clause (f).

Method of sale

(4) The article may be sold in whole or in part, by public or private sale, at any time and place, on any terms, so long as every aspect of the sale is commercially reasonable.

Purchase by lien claimant

(5) The lien claimant may purchase the article only at a public sale.

Proceeds of sale

- **16.**—(1) Where a lien claimant has sold an article under this Part, the proceeds of sale shall be applied consecutively,
  - (a) to the reasonable expenses of selling the article;
  - (b) to the costs of seizure;
  - (c) where the lien claimant making the sale has a possessory lien under Part I, to the satisfaction of the lien of the lien claimant making the sale;
  - (d) where the lien claimant making the sale has a possessory lien under Part I, to the satisfaction of the lien of every lien claimant who has a registered non-possessory lien under Part II against the article, who gives the lien claimant making the sale written notice of the amount owing in respect of the registered non-possessory lien claimed by the person giving the notice before or within ten days after the sale, in reverse order to the order in which the lien claimants gave up possession;
  - (e) where the lien claimant making the sale has a non-possessory lien under Part II, to the satisfaction of the lien of the lien claimant making the sale and to the satisfaction of the lien of every other lien claimant who has a registered non-possessory lien under Part II against the article, who gives the lien claimant making the sale written notice of the amount owing in respect of the registered non-possessory lien claimed by the person giving the notice before

or within ten days after the sale, in reverse order to the order in which the lien claimants gave up possession:

(f) to the payment of every person who has a perfected security interest in the article under the Personal 1989, c. 16 Property Security Act, 1989 who was entitled to notice under subsection 15 (2), who gives the lien claimant written notice of the amount owing in respect of the perfected security interest claimed by the person giving the notice before or within ten days after the sale, in accordance with the priority rules under that Act; and

- (g) to the payment of the owner or other person entitled thereto, if the lien claimant has actual knowledge of the claim of that person.
- (2) Where there is a question concerning the right of any Payment into person to share in the proceeds of a sale, the lien claimant may pay the proceeds or any part thereof into court and the proceeds shall not be paid out of court except in accordance with an order made under section 23.

17.—(1) A lien claimant who has a right to sell an article Retention of may propose, in lieu of selling it, to retain the article in satisfaction of the amount of the lien claimed by giving written notice of the proposal to the persons entitled to notice under subsection 15 (2).

(2) Where a person entitled to notice under subsection (1) Objection gives the lien claimant a written objection to the proposal within thirty days of the receipt of the proposal, the lien claimant, subject to subsections (3) and (4), shall sell the article in accordance with section 15.

(3) Upon application to the District Court and upon notice to every person who has given a written objection to the proposal, the court may order that the objection is ineffective because.

- (a) the objection was made for a purpose other than the protection of the interest in the article of the person who made the objection; or
- (b) the fair market value of the article is less than the amount of the lien of the lien claimant and the estimated expenses to which the lien claimant is entitled under this Act.

Foreclosure

(4) If no effective objection is made, the lien claimant, at the expiration of the thirty-day period mentioned in subsection (2), shall be deemed to have irrevocably elected to retain the article and thereafter is entitled to hold or dispose of the article free from the rights and interests of every person to whom the written notice of the proposal was given.

Effect of sale or foreclosure; amount of lien deemed satisfied

- 18. Where a lien claimant,
  - (a) sells an article under section 15; or
  - (b) is deemed to have elected irrevocably to retain the article under subsection 17 (4),

the lien claimant shall be deemed to have sold the article or retained the article in full satisfaction of the amount owing in respect of the lien.

Gift to charity

19.—(1) A lien claimant who has retained possession of an article for twelve months after the right to sell the article arose may give the article to a charity registered under the *Income Tax Act* (Canada) if,

R.S.C. 1952, c. 148

- (a) the article has a fair market value of less than the total of the amount of the lien claimed by the lien claimant and the amount of the estimated expenses to which the lien claimant is entitled under this Act; and
- (b) the lien claimant has not given a notice of intention to sell under section 15 or a notice of a proposal to retain the article under section 17.

Records to be maintained

(2) A lien claimant who disposes of an article under this section shall maintain for six years a record of the article disposed of and the charity to which it was given.

Effect of disposition on title of article

- **20.**—(1) Although a lien claimant has failed to comply with this Part, a purchaser who buys an article in good faith,
  - (a) in a sale under section 15; or
  - (b) from a lien claimant who has retained an article under section 17,

acquires the article free of the interest of the owner and any person entitled to notice under this Part.

(2) A charity that is given an article by a lien claimant Idem under section 19, acquires the article free of the interest of the owner and all other persons.

21. A lien claimant who fails to comply with the require- Liability of ments of this Part is liable to any person who suffers damages for nonas a result and shall pay the person an amount equal to the compliance greater of \$200 or the actual damages.

22. At any time before the lien claimant,

Redemption of article

- (a) has sold the article under section 15 or contracted for such sale;
- (b) is deemed to have irrevocably elected to retain the article under section 17; or
- (c) has given the article to a charity under section 19,

the owner and any person referred to in subsection 15 (2) may redeem the article by paying the amount required to satisfy the lien.

## **PART IV**

#### DISPUTE RESOLUTION

23.—(1) Any person may apply to a court for a determination of the rights of the parties where a question arises with rights by respect to.

- the seizure of an article under Part II (Non-possessory Liens) or any right of seizure in respect of an article;
- (b) the sale of an article under Part III (Redemption, Sale or Other Disposition);
- (c) the distribution of the proceeds of the sale of an article under Part III, including the right of any person to share in those proceeds, and the obligation of any lien claimant to account for those proceeds;
- (d) the amount of a lien or the right of any person to a lien: and
- (e) any other matter arising out of the application of this Act.

and the court may make such order as it considers necessary to give effect to those rights.

Limitation

(2) An application shall not be made under clause (1) (d) where an application has been made under section 24.

Possessory liens; return of article

- **24.**—(1) Where a lien is claimed under Part I (Possessory Liens) and the lien claimant refuses to surrender possession of the article to its owner or any other person entitled to it, and there is,
  - (a) a dispute concerning the amount of the lien of the lien claimant including any question relating to the quality of the repair, storage or storage and repair;
  - (b) in the case of a repair, a dispute concerning the amount of work that was authorized to be made to the article; or
  - (c) a dispute concerning the right of the lien claimant to retain possession of the article,

the owner or other person lawfully entitled to the article may apply to the court in accordance with the procedure set out in this section to have the dispute resolved and the article returned.

Respondent

(2) The lien claimant shall be named as the respondent in the application.

Form

(3) The application shall be in the prescribed form and may include an offer of settlement.

Payment into court

(4) The applicant shall pay into court, or deposit security with the court in the amount of, the full amount claimed by the respondent but where the applicant includes an offer of settlement in the application, the applicant shall pay into court the amount offered in settlement and shall pay into court, or deposit security with the court for, the balance of the full amount claimed by the respondent and payments and deposits under this subsection shall be made to the credit of the application.

Initial certificate

(5) Where money is paid into court or a deposit is made with the court under subsection (4), the clerk or registrar of the court shall issue an initial certificate in the prescribed form and under the seal of the court stating that the amount indicated therein, or security therefor, has been paid into or posted with the court to the credit of the application, and

where applicable, indicating the portion of that amount that is offered in settlement of the dispute.

(6) The applicant shall give the initial certificate to the Release on respondent who, within three days of receiving the initial certificate, shall release the article described therein to the applicant unless, within the three day period, the respondent files with the court a notice of objection in the prescribed form.

(7) Where an objection has been filed with the court, the Final applicant may pay into court or post security with the court, to the credit of the application, the additional amount claimed as owing in the objection, and where the additional amount has been paid into court or the additional security has been posted, the clerk or registrar shall issue a final certificate in the prescribed form and under the seal of the court.

(8) The applicant shall give the final certificate to the Release on respondent who, upon receiving the final certificate, shall certificate release immediately the article described therein.

(9) Where the respondent does not release the article as Writ of required, the applicant may obtain from the clerk or registrar of the court, without notice to the respondent, a writ of seizure directing the sheriff or bailiff to seize the article and, upon receipt of the writ, the sheriff or bailiff shall seize the article and return it to the applicant.

seizure

(10) Before obtaining a writ of seizure, the applicant shall Idem file an affidavit with the clerk or registrar of the court confirming that the respondent has not released the article as required.

(11) Where the respondent releases the article to the appli- Payment out cant in compliance with an initial or final certificate, or where the article is seized by a sheriff or bailiff under a writ of seizure, the respondent may demand a receipt in the prescribed form to this effect, and upon presentation of the receipt to the clerk or registrar of the court and signing a waiver of further claim in the prescribed form, the respondent shall be paid the portion of the amount paid into court that was offered in settlement of the dispute.

(12) Where the respondent accepts the amount offered in Notice to settlement of the dispute, the clerk or registrar of the court shall notify the applicant and upon request shall return to the applicant the balance of the amount deposited into court and deliver up any security deposited by the applicant for cancellation.

applicant

Substitution of security

(13) Where the article is released to the applicant by the respondent or is seized by the sheriff or bailiff under subsection (9), the lien is discharged as a right against the article and becomes instead a charge upon the amount paid into court or the security posted with the court, and where the respondent seeks to recover the full amount claimed by the respondent to be owing, the respondent may commence an action to recover that amount.

Discharge

(14) The charge upon the money paid into court or the security posted with the court is discharged ninety days after the article was returned to the applicant or seized unless, before the end of the ninety days, the respondent has accepted the applicant's offer of settlement or has commenced an action to recover the amount claimed.

Return of money or security (15) Upon the expiry of the ninety days referred to in subsection (14), the clerk or registrar of the court may return to the applicant the money paid into court and deliver up for cancellation any security posted with the court if the applicant files with the clerk or registrar an affidavit confirming that the respondent has neither accepted an offer of settlement nor commenced an action to recover the money claimed.

Costs of enforcing writ seizure (16) The respondent is liable for the costs of enforcing a writ of seizure and these costs shall be set off against the amount paid into court under this section.

Proper court

**25.** An application under this Part may be brought in any court of appropriate monetary and territorial jurisdiction.

### PART V

#### **GENERAL**

Separate liens **26.**—(1) A separate lien arises under this Act each time an article is repaired, stored or stored and repaired.

No tacking

(2) A lien under this Act cannot be tacked onto another lien under this Act.

Service of documents

- 27.—(1) A document required to be given or that may be given under this Act is sufficiently given if it is given personally to the intended recipient or if it is sent by certified or registered mail or prepaid courier to the intended recipient at,
  - (a) the intended recipient's address for service if there is one;

- (b) the last known mailing address of the intended recipient according to the records of the person sending the document, where there is no address for service: or
- (c) the most recent address of the intended recipient as shown on a claim for lien or change statement registered under this Act or as shown on financing statement or financing change statement registered under the Personal Property Security Act, 1989.

1989, c. 16

(2) A document sent to the intended recipient by certified Service by or registered mail shall be deemed to have been given on the earlier of.

- (a) the day the intended recipient actually receives it;
- (b) the tenth day after the day of mailing.
- 28.—(1) Where an article that is subject to a lien is in the Lien lien claimant's possession, the lien claimant,

claimant's rights and obligations

- (a) shall use reasonable care in the custody and preservation of the article, unless a higher standard of care is imposed by law; and
- (b) unless otherwise agreed,
  - (i) shall keep the article identifiable, and
  - (ii) may create a security interest under the Personal Property Security Act, 1989 in the article, but only upon terms that do not impair a right of redemption under that Act or this Act.
- (2) Unless otherwise agreed, a lien claimant is entitled to Reasonable recover the commercially reasonable expenses incurred in the custody, preservation and preparation for sale of an article that is subject to a lien, including the cost of insurance and the payment of taxes or other charges incurred therefor, and the expenses are chargeable to and secured by the article and may be included by the lien claimant in determining the amount required to satisfy the lien.

expenses

(3) Except as provided in clause 4 (1) (b), a lien claimant is Interest not entitled to a lien for interest on the amount owing with respect to an article but this subsection does not affect any

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right that the lien claimant may otherwise have to recover such interest.

Effect of failure to meet obligation

(4) A lien claimant is liable for any loss or damage caused by a failure to meet any obligation imposed by this section but does not lose the lien against the article by reason only of that failure.

Use of article

- (5) A lien claimant may use an article,
  - (a) for the purpose of preserving the article or its value;
  - (b) for the purpose of making a reasonable demonstration of the quality or properties of the article in order to facilitate the making of a sale under this Act;
  - (c) in accordance with an order of any court before which an application is being heard or an action is being tried in respect of that article; or
  - (d) in accordance with any agreement with the owner.

Effect of unauthorized use or dealing (6) Where the lien claimant uses or deals with an article in a manner not authorized by this Act, the lien claimant is liable for any loss or damage caused by that use or dealing and may be restrained by an injunction.

Assignment of lien

**29.**—(1) A lien claimant may assign the lien claimant's right to a lien by an instrument in writing.

Idem

(2) An assignment of a possessory lien under Part I becomes effective when the lien claimant delivers possession of the article to the assignee.

Idem

(3) An assignment of a non-possessory lien under Part II is enforceable against third parties only if a change statement recording the assignment has been registered under subsection 10 (5) or a claim for lien has been registered under clause 10 (6) (b).

Destruction of books, records, etc.

**30.**—(1) The registrar may authorize the destruction of books, documents, records or paper that have been microfilmed or that in the registrar's opinion need not be preserved any longer.

Removal of information from registration system (2) The registrar may remove from the central file of the registration system information related to a claim for lien or a change statement,

- (a) if the claim for lien is no longer effective;
- (b) upon the receipt of a change statement discharging the registration of a claim for lien;
- (c) upon receipt of a court order requiring the registrar to amend the information recorded in the central file to indicate the discharge of a claim for lien or a change statement.
- (3) The registrar, upon notice to the lien claimant, may Idem remove from the central file of the registration system information related to a change statement if.
  - (a) it does not set out the correct file number of the claim for lien or change statement to which it relates: or
  - (b) it does not set out the name of the person against whom the lien is claimed as that name is set out in the claim for lien or change statement to which it relates.
- 31.—(1) A sheriff acting under a direction to seize an arti-Power of cle or a writ of seizure, or a bailiff acting under a writ of seiselffs and bailiffs zure, may use reasonable force to enter land and premises if the sheriff or bailiff believes, on reasonable and probable grounds, that the article to be seized is there and reasonable force may be used to execute the direction or writ.

(2) A sheriff acting under a direction to seize an article or a Restriction writ of seizure, or a bailiff acting under a writ of seizure, in respect of an article in a dwelling shall not use force to enter the dwelling or to execute the direction or writ except under the authority of,

- (a) the order of a court of competent jurisdiction, in the case of a direction to seize an article;
- (b) the order of the court that issued the writ, in the case of a writ of seizure.
- (3) A court may make an order for the purposes of subsec- Court orders tion (2) if, in the opinion of the court, there is reasonable and probable grounds to believe that the article to be seized is in the dwelling.

32. The Lieutenant Governor in Council may make regu- Regulations lations.

- (a) requiring the payment of fees and prescribing the amounts thereof;
- (b) prescribing forms, the information to be contained in forms, the manner of recording the information, including the manner of setting out names, and the persons who shall sign forms;
- (c) requiring that claim for lien forms and change statements forms to be registered under Part II shall be those provided or approved by the registrar;
- (d) governing the time assigned to the registration of claims for lien and change statements;
- (e) prescribing abbreviations, expansions or symbols that may be used in a claim for lien or change statement or in the recording or production of information by the registrar;
- (f) prescribing the types of security that may be deposited with a court under section 24.

## **PART VI**

#### **MISCELLANEOUS**

Transition

33.—(1) Where under any Act, a person has or is entitled to a lien that may be enforced in the manner provided by section 52 of the *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980, or in the manner provided by the *Warehousemen's Lien Act*, being chapter 529 of the Revised Statutes of Ontario, 1980, the person shall be deemed to be a lien claimant having a possessory lien under Part I (Possessory Liens) of this Act and the lien may be enforced under Part III (Redemption, Sale or Other Disposition) of this Act.

Idem

(2) A lien that arose before the coming into force of this section and that could have been enforced under section 52 of the *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980, or under the *Warehousemen's Lien Act*, being chapter 529 of the Revised Statutes of Ontario, 1980, or under the *Unclaimed Articles Act*, being chapter 513 of the said Revised Statutes, may continue to be enforced as if those Acts had not been repealed or the person claiming the lien may enforce the lien under Part III of this Act as if the lien were a possessory lien under Part I.

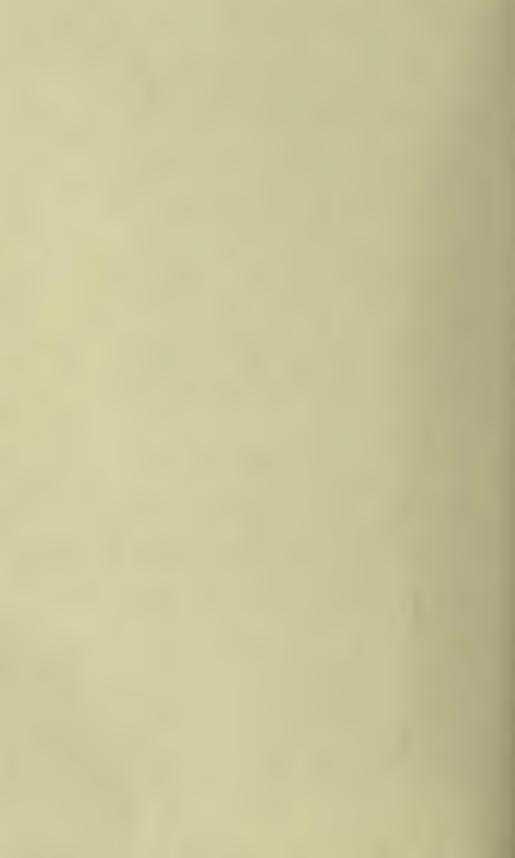
- 34. Subsection 2 (8) of the Compulsory Automobile Insurance Act, being chapter 83 of the Revised Statutes of Ontario, 1980, is amended by striking out "section 52 of the Mechanics" Lien Act" in the third line and inserting in lieu thereof "the Repair and Storage Liens Act, 1989".
- 35.—(1) Subsection 147 (13) of the Highway Traffic Act, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 63, section 33, is further amended by striking out "section 52 of the Mechanics' Lien Act" in the eighth and ninth lines and inserting in lieu thereof "the Repair and Storage Liens Act, 1989".
- (2) Subsection 190 (5) of the said Act is amended by striking out "section 52 of the *Mechanics' Lien Act*" in the fourth line and inserting in lieu thereof "the *Repair and Storage Liens Act*, 1989".
- 36. Subsection 23 (3) of the Niagara Parks Act, being chapter 317 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 38, section 3, is amended by striking out "section 52 of the Mechanics' Lien Act" in the eighth line and inserting in lieu thereof "the Repair and Storage Liens Act, 1989".
  - 37. The following are repealed:

Repeals

- 1. The *Mechanics' Lien Act*, being chapter 261 of the Revised Statutes of Ontario, 1980.
- 2. The *Unclaimed Articles Act*, being chapter 513 of the Revised Statutes of Ontario, 1980.
- 3. The Warehousemen's Lien Act, being chapter 529 of the Revised Statutes of Ontario, 1980.
- **38.** This Act comes into force on a day to be named by Commence-proclamation of the Lieutenant Governor.
- **39.** The short title of this Act is the Repair and Storage Short title Liens Act, 1989.







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37 ELIZABETH II, 1988

Bill 153

(Chapter 55 Statutes of Ontario, 1988)

#### An Act to amend the Pits and Quarries Control Act

The Hon. V. Kerrio

Minister of Natural Resources

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 9th, 1988

2nd Reading June 22nd, 1988 3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to amend the Pits and Quarries Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Pits and Quarries Control Act, being chapter 378 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:
- **14a.**—(1) Notwithstanding any other provision of this Act, the Minister may issue a licence to a person to operate a pit or to new quarry that was licensed to another person if the new licence operator is issued subject to the same terms and conditions and the same site plan as the previous licence.

Minister may issue licence

(2) Subsection 4 (2) and section 5 do not apply to an application for a licence issued under subsection (1).

Subs. 4 (2) and s. 5 do not apply

(3) No licence shall be issued under subsection (1) if the pit Limitation or quarry has been unlicensed for more than two years at the time of the application.

(4) Notwithstanding the decision of any court, a licence that was issued by the Minister to reflect a change in operator Minister to before the coming into force of this section is not invalid only reflect by reason of the failure to comply with subsection 4 (2) or section 5 or 14.

Licence issued by change in operator not invalid

- 2. This Act comes into force on the day it receives Royal Commencement Assent.
- 3. The short title of this Act is the Pits and Quarries Control Short title Amendment Act, 1988.

Py.Cya

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

### Bill 159

(Chapter 56 Statutes of Ontario, 1988)

An Act to provide for Municipal Taxes in Territory without Municipal Organization

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK LEGISLATIVE ASSEMBL

1st Reading June 16th, 1988

2nd Reading June 27th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988

Bill 159 1988

## An Act to provide for Municipal Taxes in Territory without Municipal Organization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Definitions** 

"assessment commissioner" means an assessment commissioner as defined in clause 1 (a) of the Assessment Act;

R.S.O. 1980,

"attributable commercial assessment" means the commercial assessment of a designated business that is attributed to a designated municipality as determined under subsection 3 (2);

"commercial assessment" means the total of,

- (a) the assessment for land that is used as a basis for computing business assessment, including the assessment for land that is rented and occupied by the Crown in right of Canada or any province or any board, commission, corporation, or other agency thereof, or by any municipal corporation or local board thereof,
- (b) the business assessment, and
- (c) the assessment for mineral lands,

according to the last returned assessment roll;

"designated business" means a person owning or operating any business mentioned or described in section 7 of the Assessment Act that is situated within a municipal taxing area and that the Minister has designated under subsection 2 (1);

- "designated municipality" means the townships of Marathon and Manitouwadge in the Territorial District of Thunder Bay and any other municipality which the Minister may designate, to which all or any portion of the commercial assessment of a designated business is attributed;
- R.S.O. 1980, "land" means land as defined in clause 1 (k) of the Assessment Act;
  - "land of a designated business" means land situated within a municipal taxing area that is owned or occupied by a designated business:
  - "Minister" means the Minister of Municipal Affairs;
  - "municipal taxing area" means the geographic townships of Bomby and Brothers in the Territorial District of Thunder Bay;
  - "municipality" means a city, town, village, township or improvement district;
  - "work force in a designated municipality" means the persons employed at the works and facilities of a designated business who reside in a designated municipality;
  - "work force of a designated business" means the persons employed at the works and facilities of a designated business;
  - "yearly tax equivalent amount", when used in respect of any year in connection with the land vested in or controlled by a designated business, means the product of,
    - (a) the attributable commercial assessment, and
    - (b) the commercial rates levied by the designated municipality in that year, in respect of taxes for municipal purposes, upon the commercial assessment in the designated municipality,

divided by 1,000.

Regulations

2.—(1) If the Minister is of the opinion that a municipality has experienced or will experience substantially increased expenditures as a result of a significant number of employees of businesses located in the municipal taxing area residing in that municipality, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) declaring an affected municipality as a designated municipality under this Act;
- (b) declaring the business or businesses located in a municipal taxing area as a designated business under this Act:
- designating the roll number in accordance with the last returned assessment roll pertaining to the land of a designated business;
- specifying which designated municipalities are eligible to receive attributable commercial assessment from a designated business;
- prescribing the types or classes of employment that shall be included in determining the work force in a designated municipality and the work force of a designated business;
- prescribing the manner in which and the date on which the work force in a designated municipality and the work force of a designated business are determined; and
- (g) prescribing the date on which the designations in clauses (a), (b), (c) and (d) come into effect or expire.
- (2) A regulation made under subsection (1) is, if it so provides, effective with reference to a period before it is filed.

Retroactive regulation

(3) The Minister shall not make a declaration under clause (1) (a) unless the council of a municipality has requested by resolution that a declaration be made.

Declaration on request of municipality

3.—(1) Where the Minister has made a regulation under subsection 2 (1), the attributable commercial assessment is subject to taxation for municipal purposes by the designated municipality.

Taxation in respect of land in territory without municipal organization

(2) The Minister shall, in each year and for each designated Determimunicipality, determine the attributable commercial assessment from each designated business in accordance with the commercial following formula:

nation of attributable assessment

$$\frac{\text{(CA)}}{\text{(AFDB)}} \times \frac{\text{(WFDM)}}{\text{(WFDB)}} \times \text{AFDM}$$

where,

Bill 159

"CA" means the taxable commercial assessment of a designated business for school board purposes;

"AFDB" means the assessment equalization factor for the taxable commercial assessment of land of a designated business in a municipal taxing area expressed as a fraction of 100;

"AFDM" means the assessment equalization factor for the designated municipality for the taxable commercial assessment of land similar to or in the same class as land of a designated business expressed as a fraction of 100;

"WFDB" means the work force of a designated business;

"WFDM" means the work force in a designated municipality.

Determination and notification of attributable commercial assessment

- **4.**—(1) If the Minister has made a regulation under subsection 2 (1), the Minister shall, for each year in which the regulation is in effect,
  - (a) determine the attributable commercial assessment for each designated municipality with respect to each designated business;
  - (b) notify the treasurer of each designated municipality of the assessments attributable to that municipality within thirty days of the return of the assessment roll under section 35 of the Assessment Act; and

R.S.O. 1980, c. 31

(c) notify each designated business of the attributable commercial assessment pertaining to each designated municipality within thirty days of the return of the assessment roll under section 35 of the Assessment Act.

Transition

(2) Despite clauses (1) (b) and (c), within ninety days after the date the regulation made under subsection (1) comes into force, the Minister shall notify the treasurer of each designated municipality and each designated business of the attributable commercial assessment pertaining to that municipality.

Notice to Minister of assessment adjustment (3) Where an assessment adjustment for a designated business has been made under section 32, 33, 39 or 50 of the Assessment Act, the assessment commissioner shall immediately notify the Minister in writing.

(4) The Minister shall, within ninety days of receipt of the Recalculation notice referred to in subsection (3), recalculate the attributable commercial assessment for each designated municipality commercial and shall give written notice of the recalculated attributable commercial assessment to the treasurer of each designated municipality and the applicable designated business.

assessment

(5) This Act applies with necessary modifications to a recal- Act applies culated attributable commercial assessment described in subsection (4).

recalculated attributable assessment

5. Where the treasurer has received notice under section 4, the council of the designated municipality shall by by-law levy on the attributable commercial assessment of that designated business the commercial rates in respect of taxes for municipal purposes levied by that designated municipality in that year upon the commercial assessment in the municipality.

Levy in respect of commercial assessment

6.—(1) The land of a designated business shall be assessed Assessment against the owner and tenant in accordance with section 16 or tenant 17 of the Assessment Act as applicable.

of owner and R.S.O. 1980. c. 31

(2) Where a business assessment has been computed within a municipal taxing area by reference to the assessed value of the land, the person occupying the land in connection with the business shall be assessed the business assessment in accordance with section 7 of the Assessment Act.

**Business** assessment

7. The rates to be levied in each year by the designated Establishment municipality on the attributable commercial assessment shall be established with necessary modifications in accordance with sections 142, 158, 159, 361 and 364 of the Municipal Act and subsection 7 (3) of the Ontario Unconditional Grants Act.

of rates to be levied

R.S.O. 1980, cc. 302, 359

8.—(1) The yearly tax equivalent amount shall be added Sums added to the collector's roll of taxes when it is prepared for the year roll in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the commercial assessment in respect of which they are payable.

to collector's

(2) Sections 369 to 371, 373, 374, 376 to 379, 381 to 396, 399, 401, 408 to 410, 412 and 419 of the Municipal Act apply of taxes with necessary modifications to the collection and recovery of taxes, including the addition of percentage charges and interest for non-payment of taxes and the proceedings that may be taken in default thereof.

(3) Sections 495, 496 and 497 of the Municipal Act apply to the striking of taxes from the roll and to the cancellation, taxes

Reduction or

reduction or refund of taxes and the proceedings that may be undertaken with respect thereto.

Collection of tax arrears 1984, c. 48 (4) Subject to section 9, the Municipal Tax Sales Act, 1984 applies to the collection of tax arrears in respect of the realty tax portion of the yearly tax equivalent amount and the proceedings that may be undertaken with respect thereto.

Definition R.S.O. 1980, c. 129 **9.**—(1) In this section, "designated municipality" includes a district school board established under the *Education Act*.

Powers and duties of designated municipality (2) Subject to this section, a designated municipality has the powers and duties of a municipality under the *Municipal Tax Sales Act*, 1984, and the treasurer of a designated municipality, or an officer or collector having the powers and duties of a treasurer under the *Education Act*, has the powers and duties of the treasurer of a municipality under the *Municipal Tax Sales Act*, 1984.

Tax arrears certificate

(3) Subject to section 3 of the *Municipal Tax Sales Act*, 1984, any designated municipality may register a tax arrears certificate against the title to the land owned by a designated business with respect to which tax arrears are owing.

Where two or more designated municipalities register tax arrears certificate

- (4) Where two or more designated municipalities have registered a tax arrears certificate under subsection (3),
  - (a) the registration of all tax arrears certificates shall be deemed to have occurred on the date of the earliest registration; and
  - (b) subject to subsection (5), the designated municipality that first registers a certificate shall exercise the powers and duties of a municipality on behalf of all other designated municipalities that subsequently register a certificate.

Notice

(5) Where the commercial assessment of a designated business is attributed to two or more designated municipalities, a designated municipality that has registered a tax arrears certificate shall send notice under sections 4 and 9 of the Municipal Tax Sales Act, 1984 to the other designated municipalities.

Distribution of proceeds from cancellation of tax certificates

- (6) Where two or more designated municipalities have registered a tax arrears certificate against the same land,
  - (a) despite subsection 5 (1) of the Municipal Tax Sales Act, 1984, the tax arrears certificates may be cancelled if payment is made of the total of all cancella-

tion prices to the designated municipality that first registered a tax arrears certificate; and

- (b) the proceeds received under clause (a) shall be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate.
- (7) Despite clause (4) (b), a designated municipality that Extension has registered a tax arrears certificate may not enter into an extension agreement with the owner of the land, except with the consent of all other designated municipalities that have registered a certificate.

- (8) An extension agreement made under subsection (7) Idem shall be deemed to have been made with all such designated municipalities.
- (9) If the land of a designated business is offered for public sale by a designated municipality under section 9 of the Municipal Tax Sales Act, 1984 and two or more designated 1984, c. 48 municipalities have registered tax arrears certificates against the same land, the minimum tender amount or minimum bid shall be the sum of the cancellation prices.

Sale of land,

(10) Despite section 10 of the Municipal Tax Sales Act, 1984, the proceeds of a sale under section 9 of that Act shall,

Proceeds of

- (a) firstly, be applied to pay the cancellation price to each designated municipality that has registered a tax arrears certificate:
- (b) secondly, be paid to all persons, other than the owner, having an interest in the land according to their priority at law; and
- thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land.

#### 10. Where, give an enemption, with a report to sate

Designated municipality deemed to be designated

- (a) the commercial assessment of a designated business is attributed to two or more designated municipalities; and
- (b) a designated municipality has registered a notice of vesting under subsection 9 (3) of the Municipal Tax Sales Act, 1984,

that designated municipality shall be deemed to be the designated business for the purposes of this Act and land of a designated business shall be assessed against the owner and tenant in accordance with paragraph 9 of section 3 of the Assessment Act.

R.S.O. 1980, c. 31

Increase of equalized assessment

11.—(1) The attributable commercial assessment shall be included in determining the discounted equalized assessment or the rateable land of a designated municipality for purposes of apportioning the requisition or levy of any body other than a school board.

Idem

(2) The attributable commercial assessment shall be included in determining the equalized assessment per household of a designated municipality for the purposes of subsection 8 (1) of the *Ontario Unconditional Grants Act*.

R.S.O. 1980, c. 359

- Yearly tax equivalent amount
- 12. The yearly tax equivalent amount shall be deemed to be,

R.S.O. 1980, c. 97 (a) a corporation tax, for the purposes of section 15 of the *Corporations Tax Act*; and

R.S.O. 1980, c. 269 (b) a proper working expense of a mine, for the purposes of subsection 3 (7) of the *Mining Tax Act*.

Regulations respecting assessment equalization factor 13.—(1) For the purposes of subsection 3 (2), the Minister of Revenue shall, by regulation, prescribe the assessment equalization factor for land of a designated business and for similar land in the same class in each designated municipality.

Idem

(2) The assessment equalization factors prescribed under subsection (1) shall be determined in such a manner that the attributable commercial assessment shall be at the same relative level of assessment at market value as that at which similar land in the same class in the designated municipality is assessed.

List of names and addresses of employees to be provided to Minister 14.—(1) A designated business shall, on or before the 31st day of July in each year preceding the year of the levy in which a regulation made under subsection 2 (1) is in force, provide to the Minister a list containing the name of each person employed at the works and facilities of the designated business on the 30th day of June in that year and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

Transition

(2) Despite subsection (1), within thirty days after the date the regulation made under subsection 2 (1) comes into force, a designated business shall provide to the Minister a list con-

taining the name of each person employed at the works and facilities of the designated business on the date the regulation came into force and the municipality, local services board, Indian reserve or other unincorporated community in which the employee resides.

(3) If a designated business does not provide to the Minis- Failure to ter the information required under subsection (1) or (2) within information the time periods set out therein, the Minister shall determine the proportion of the members of the work force of the designated business residing in each designated municipality as of the time periods set out in subsection (1) or (2) and the decision of the Minister is final and not subject to appeal.

15. This Act comes into force on the day it receives Royal Commence-Assent.

16. The short title of this Act is the Municipal Extra- Short title Territorial Tax Act. 1988.





(Chapter 70 Statutes of Ontario, 1988)

#### An Act to amend the Municipality of Metropolitan Toronto Act

The Hon. C. Ward Minister of Education

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 20th, 1988

2nd Reading November 16th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



#### An Act to amend the **Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 120d (5) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1986, chapter 29, section 13, is repealed and the following substituted therefor:
- (5) Every employee of a board of education who on the Secondment 31st day of December, 1988 is employed,

of employees

(a) exclusively at or in respect of a school or class operated under Part XI of the Education Act; or

R.S.O. 1980,

(b) by the board of education as an elementary school teacher or secondary school teacher of a class operated under Part XI of the Education Act and accepts as part of the employee's teaching schedule an assignment to a class in which English is the language of instruction,

is seconded to the Council by the board of education for the period from and including the 1st day of January, 1989 up to and including the 31st day of August, 1990.

(6) The Council shall reimburse the board of education Council to with respect to each employee of the board of education who board is seconded under subsection (5) for the salary and benefits paid or provided by the board of education to the employee during the period of the secondment.

(7) Where there is a dispute between an employee of a Dispute board of education and the board of education as to whether or not the employee is seconded to the Council under subsection (5), the dispute shall be treated as a grievance and shall

be dealt with under the appropriate collective agreement, employment contract or employment relationship, as the case may be, as if the dispute were specifically grievable under the terms of employment of the employee.

Supervision of employees

(8) The Council may make representations to the board of education that employs an employee who is seconded under subsection (5) in respect of matters that relate to the supervision of the employee.

Assignment of employees

- (9) The Council shall assign each person who is seconded under subsection (5) to,
  - (a) the position held by the person on the last school day in December in the year 1988; or
  - (b) the position projected to be held by the employee for the remainder of the school year that commenced in the year 1988,

as the case requires.

Adjustment of assignment

(10) Where the Council adjusts the assignment of an employee who is seconded to it in respect of the period that begins on the 1st day of September, 1989 and ends on the 31st day of August, 1990, the Council shall endeavour to place the employee in a position that is substantially similar to that held by the employee immediately prior to the secondment.

Reduction in staff of Council

(11) Where a position cannot be filled because there is a reduction in the number of staff required by the Council, the Council shall give notice that sets out that fact to the School Board and to the board of education from which the employee is seconded and, upon the giving of the notice, the employee ceases to be seconded to the Council.

Notice

(12) The notice referred to in subsection (11) shall be given on or before a date that is determined by the School Board.

Option

- (13) On or before the 5th day of December, 1989, each board of education shall give an option in writing to each of its employees who is seconded to the Council under subsection (5) either,
  - (a) to have the teaching contract, contract of employment or employment relationship, as the case may be, of the employee transferred from the board of education to the Council as employer and continue employment with the Council in the position occupied by the employee on the last school day in

June, 1990 or in a position that is substantially similar thereto upon the terms of employment with the board of education that applied with respect to the employee on the 31st day of August, 1990 or as may become effective between the employee and the Council on the 1st day of September, 1990, as the case requires; or

(b) to return to and resume duties with the board of education effective the 1st day of September, 1990 in a school or a class that is not a school or a class operated under Part XI of the Education Act, in a R.S.O. 1980, position that is substantially similar to that held by the employee while on secondment to the Council.

(14) The option given by the board of education shall be Idem exercised by the employee by notice in writing to the board of education on or before the 15th day of January, 1990.

(15) A copy of the notice given to the board of education under subsection (14) shall at the same time be sent by the employee to the Council.

Copy of

(16) A board of education that receives a notice with respect to an option referred to in clause (13) (a) or that has not received a notice in respect of an employee to whom an option was given shall, before the 1st day of September, 1990, assign the teaching contract, employment contract or employment relationship of the employee to the Council by giving notice in writing to the Council and to the employee.

Assignment of contract

(17) An employee who exercises the option referred to in clause (13) (a) is, effective the 1st day of September, 1990, an employee of the Council.

Status of employee

(18) Employees referred to in subsections (17) and (21) who are teachers are, for the purposes of this Act, deemed to constitute bargaining units under the School Boards and R.S.O. 1980, Teachers Collective Negotiations Act having regard to the employment of the employees and each such bargaining unit is deemed to have given notice to the Council of its intention under section 9 of that Act to negotiate with the view to making an agreement.

Notice to Council

(19) An employee who exercises the option referred to in Exercise of clause (13) (a) or who is deemed to have exercised such an option under subsection (21) and for whom, as of the 1st day of September, 1990, no new terms of employment have been agreed upon with the Council, shall continue to receive the salary and benefits to which the employee was entitled as an

employee of the board of education until such time as new terms and conditions of employment with the Council are agreed upon.

Idem

(20) An employee who exercises the option referred to in clause (13) (b) is, effective the 1st day of September, 1990, no longer seconded to the Council and shall return to and resume duties with the appropriate board of education in a school or class that is not a school or a class operated under Part XI of the *Education Act*, in a position that is substantially similar to that held by the employee while on secondment to the Council.

Idem

c. 129

R.S.O. 1980,

(21) An employee who does not exercise the option given by the board of education on or before the 15th day of January, 1990 shall be deemed to have exercised the option referred to in clause (13) (a) and is, effective the 1st day of September, 1990, an employee of the Council.

Continuous service (22) An assignment of a teaching contract, employment contract or employment relationship does not constitute a break in the continuous service of the employee.

Seniority

(23) An employee whose teaching contract, employment contract or employment relationship is assigned to the Council shall continue employment with the Council with the same seniority and the same status with respect to being a probationary or permanent employee that the employee had with the appropriate board of education.

Retirement gratuity

(24) Where an employee whose teaching contract, employment contract or employment relationship is assigned to the Council retires, the amount of the retirement gratuity paid to the employee shall be shared by the board of education that made the assignment and the Council in the ratio that the number of years of service of the employee with each bears to the total number of years of service of the employee with the board of education and the Council.

Bargaining unit, transitional (25) Where the Council appoints a person as an elementary school teacher or a secondary school teacher, the teacher so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement referred to in section 130a that relates to the employment of the teacher and, where appropriate having regard to the location where the teacher is employed, the appropriate collective agreement referred to in section 130g, as if the Council were a party to each collective agreement.

(26) Where the Council appoints a person as an employee, Idem other than as a teacher, the person so appointed shall be deemed to be a member of the bargaining unit under the appropriate collective agreement having regard to the employment of the person and the location of the employment, as if the Council were a party to the collective agreement.

(27) In this section, "seniority" means seniority as agreed Definition upon between the board of education that employed the person and the organization that entered into a collective agreement with the board of education in respect of the person or, where there is no collective agreement, in accordance with the policy of the board of education.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Municipality of Metropol-Short title itan Toronto Amendment Act, 1988.



Pen le Cy m

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

### **Bill 167**

(Chapter 57 Statutes of Ontario, 1988)

#### An Act to revise the Wine Content Act

The Hon. W. Wrye

Minister of Consumer and Commercial Relations

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 27th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to revise the Wine Content Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

"grape must" means grapes that have been destemmed and crushed leaving grape skins, pulp and seeds;

"grape product" means grape concentrate, grape juice, grape must or wine:

"regulations" means regulations made under this Act;

"winery" means a manufacturer of Ontario wine licensed under the Liquor Licence Act.

R.S.O. 1980,

2. Despite the Liquor Licence Act and the Liquor Control Permission Act, a winery that purchases its quota of Ontario grapes as sell wine required by a regulation made under clause 3 (1) (a) and that R.S.O. 1980, complies with the other regulations made under section 3 c. 243 may,

- sell wine manufactured using imported grapes or grape product to the Liquor Control Board of Ontario; and
- (b) keep for sale and sell wine manufactured using imported grapes or grape product under the supervision and control of the Liquor Control Board of Ontario.
- 3.—(1) The Lieutenant Governor in Council may make Regulations regulations.
  - (a) requiring that wineries purchase a quota of Ontario grapes each year;

- (b) prescribing how the quota will be determined and designating and authorizing a body to make that determination;
- (c) prescribing the varieties of Ontario grapes that must be purchased for purposes of the quota;
- (d) prescribing conditions under which wineries may use imported grapes or grape product in the manufacture of wine;
- (e) prescribing documents and information wineries must submit to the Liquor Control Board of Ontario;
- (f) requiring any prescribed documents and information to be submitted to the Liquor Control Board of Ontario and prescribing the time periods for the submission;
- (g) prescribing classes of wine and the standards to be met for the prescribed classes.

Idem

(2) Any regulation made under subsection (1) may be of particular or general application.

Offence

**4.**—(1) Every person who knowingly furnishes false information in any document or return submitted pursuant to the regulations is guilty of an offence.

Idem

(2) Every director or officer of a corporation that submitted false information pursuant to the regulations who knew that false information was provided and permitted that information to be submitted is guilty of an offence.

Limitation

(3) No proceeding to prosecute under subsection (1) or (2) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Liquor Control Board of Ontario.

Penalty

(4) Every individual who is convicted of an offence under this section is liable to a fine of not more than \$10,000.

Idem

(5) Every corporation that is convicted of an offence under this section is liable to a fine of not more than \$25,000.

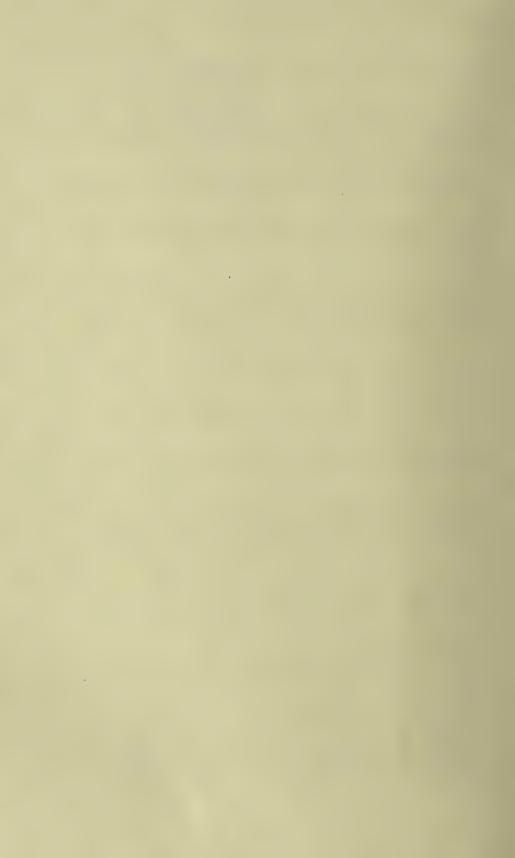
Application of R.S.O. 1980, c. 244

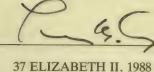
(6) A conviction under this section shall be deemed to be a reason for which the Liquor Licence Board of Ontario may suspend or revoke a licence under subsection 10 (2) of the Liquor Licence Act.

- 5. This Act is repealed on the 31st day of December, 2000. Repeal
- **6.** The Wine Content Act, being chapter 534 of the Revised Repeals Statutes of Ontario, 1980, the Wine Content Amendment Act, 1984, being chapter 2, the Wine Content Amendment Act, 1986, being chapter 32 and the Wine Content Amendment Act, 1987, being chapter 24, are repealed.
- 7. This Act comes into force on a day to be named by Commence-proclamation of the Lieutenant Governor.
- 8. The short title of this Act is the Wine Content Act, Short title 1988.









(Chapter 8 Statutes of Ontario, 1989)

# An Act to amend the District Municipality of Muskoka Act

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK LEGISLATIVE ASSEMBL

1st Reading June 27th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



1988

#### An Act to amend the **District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 51 of the District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 5, section 12, is repealed and the following substituted therefor:
- 51.—(1) In this section, "District Plan" means the official Interpretation plan of the District Area.
- (2) Amendments numbered 41, 55, 56 and 63 to the Dis-Official plan, trict Plan are hereby removed from the District Plan and Bracebridge together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Bracebridge, become the official plan of the Town of Bracebridge.

(3) Amendment numbered 15 to the District Plan is hereby Township of removed from the District Plan and together with amend-Georgian ments numbered 27 and 47 to the District Plan, as they apply Bay to the Township of Georgian Bay, become the official plan of the Township of Georgian Bay.

(4) Amendment numbered 13, as approved, and amend-Official plan, ments numbered 8, 36, 54, 60 and 67 to the District Plan are Gravenhurst hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Town of Gravenhurst, become the official plan of the Town of Gravenhurst.

(5) Amendment numbered 58, as approved, and amend-Official plan, Town of ments numbered 1, 14, 23, 26, 39, 45 and 66 to the District Huntsville Plan are hereby removed from the District Plan and become the official plan of the Town of Huntsville.

Official plan, Township of Lake of Bays (6) Amendments numbered 3, 11, 20, 23 and 28 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan, as they apply to the Township of Lake of Bays, become the official plan of the Township of Lake of Bays.

Official plan, Township of Muskoka Lakes (7) Amendments numbered 2, 12, 19 and 40 to the District Plan are hereby removed from the District Plan and together with amendments numbered 27 and 47 to the District Plan as they apply to the Township of Muskoka Lakes, become the official plan of the Township of Muskoka Lakes.

District Plan

(8) Amendments numbered 27 and 47 to the District Plan continue to form part of the District Plan while also becoming part of the official plans of each of the area municipalities as provided for in subsections (2), (3), (4), (6) and (7).

Processing of District Plan amendments

(9) Where an amendment to the District Plan has been submitted to the Minister for approval and the amendment or a part thereof is not approved before the coming into force of this section, the Minister or the Municipal Board, on a referral thereto, may, without any further requirement, continue to deal with the amendment or the part thereof under the *Planning Act*, 1983 and in so doing, may allocate the amendment or the part thereof to form part of such official plan as is considered appropriate.

Commence-

1983, c. 1

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the District Municipality of Muskoka Amendment Act, 1989.

ST SESSION, 34TH LEGISLATURE, ONTARIO 37 ELIZABETH II, 1988

# Bill 174

(Chapter 71 Statutes of Ontario, 1988)

An Act for the establishment and conduct of a Project to provide **Funding to Intervenors in** proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the **Ontario Energy Board** and the **Environmental Assessment Board** and to provide for certain matters in relation to costs before those Boards

> The Hon, I. Scott Attorney General

1st Reading June 29th, 1988

2nd Reading December 14th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988

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### Projet de loi 174

11° SESSION, 34° LÉGISLATURE, ONTARIO 37 ELIZABETH II, 1988

# Projet de loi 174

(Chapitre 71 Lois de l'Ontario de 1988)

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

> L'honorable I. Scott procureur général

> > CLERK

ATIVE ASSEMB

1re lecture 29 juin 1988

2º lecture 14 décembre 1988

15 décembre 1988 3º lecture

sanction royale 15 décembre 1988

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

1988

**Bill 174** 

An Act for the establishment and conduct of a Project to provide Funding to Intervenors in proceedings before a Joint Board under the Consolidated Hearings Act, 1981 and before the Ontario Energy Board and the **Environmental Assessment Board** and to provide for certain matters in relation to costs before those Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### PART I

#### INTERVENOR FUNDING

**Definitions** 

1. In this Part.

"commission"

"board" means a joint board, the Ontario Energy Board or the Environmental Assessment Board;

"comité d'aide financière" "funding panel" means an intervenor funding panel appointed under this Part:

"proposant tenu de verser une aide financière"

"funding proponent" means a proponent who has been named by a funding panel as a funding proponent;

"intervenant".

"intervenor" means a person or group of persons that has been granted status as an intervenor in a proceeding before a board;

"aide financière intervenants" "intervenor funding" means funding awarded under this Part to an intervenor in advance of a hearing before a board;

"commission mixte" 1981, c. 20

"joint board" means a joint board established under the Consolidated Hearings Act, 1981 to consider a matter arising under the Environmental Assessment Act, the

### Projet de loi 174

1988

Loi concernant la mise sur pied et la direction d'un projet visant à fournir une aide financière aux intervenants dans des affaires instruites devant une commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences, devant la Commission de l'énergie de l'Ontario et devant la Commission des évaluations environnementales et visant certaines questions relatives aux dépens adjugés par ces commissions

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

#### PARTIE I

#### AIDE FINANCIÈRE AUX INTERVENANTS

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«aide financière aux intervenants» Aide financière accordée aux intervenants en vertu de la présente partie avant une audience devant une commission.

«intervenor funding»

«comité d'aide financière» Comité d'aide financière aux intervenants constitué aux termes de la présente partie.

«funding panel»

«commission» Une commission mixte, la Commission de «board» l'énergie de l'Ontario ou la Commission des évaluations environnementales.

«commission mixte» Commission mixte créée en vertu de la Loi de 1981 sur la jonction des audiences pour examiner 1981, chap. 20 une question se rapportant à la Loi sur les évaluations environnementales, la Loi sur la protection de l'en-L.R.O. 1980, vironnement ou la Loi sur les ressources en eau de chap. 140, l'Ontario.

«joint board»

R.S.O. 1980, cc. 140, 141, 361 Environmental Protection Act or the Ontario Water Resources Act;

"proposant"

"proponent" means a party whose undertaking, in the opinion of a funding panel, is the subject-matter of the hearing or another party or individual or corporation, who, in the opinion of a funding panel, is potentially a major financial beneficiary of the decision of the board.

Purpose

2. The purpose of this Part is to provide for the establishment and conduct of a pilot project related to the provision of intervenor funding in proceedings before boards.

Right to apply for intervenor funding **3.**—(1) An intervenor in a proceeding before a board may apply to the board, as provided under this Part, for intervenor funding.

Notice

- (2) A board shall set out in its notices of hearing,
  - (a) a statement of the right set out in subsection (1); and
  - (b) a brief statement of where and when applications for status as an intervenor can be made.

Idem

(3) As soon as all applications for intervenor status have been decided, the board shall notify all intervenors of their right to apply for intervenor funding and it shall forthwith advise the intervenors of the last date for making an application.

Adjournment

- (4) After determining all issues related to intervenor status, a board shall not proceed further with a hearing,
  - (a) until the last date for applying for intervenor funding has passed and no applications are received; or
  - (b) until the funding panel for the hearing has advised the board that all applications for intervenor funding have been decided if any applications are received.

«intervenant» Personne ou groupe de personnes qui s'est vu «intervenor» accorder la qualité d'intervenant dans une instance devant une commission.

«proposant» Partie dont l'entreprise, de l'avis d'un comité «proponent» d'aide financière, fait l'objet de l'audience, ou une autre partie, personne physique ou personne morale qui, de l'avis d'un comité d'aide financière, est potentiellement un bénéficiaire financier majeur de la décision de la commission.

«proposant tenu de verser une aide financière» Proposant «funding qu'un comité d'aide financière nomme comme proposant tenu de verser une aide financière aux intervenants.

proponent»

2 L'objet de la présente partie est de prévoir la mise sur Objet pied et la direction d'un projet pilote visant à fournir une aide financière aux intervenants dans les instances devant les commissions.

3 (1) Un intervenant dans une instance devant une commission peut demander à celle-ci, comme le prévoit la pré- une aide une aide sente partie, une aide financière aux intervenants.

Droit de demander financière

(2) Figurent dans les avis d'audience d'une commission :

Avis

- une déclaration relative au droit énoncé au paragraphe (1);
- une courte déclaration indiquant où et quand les demandes d'octroi de la qualité d'intervenant peuvent être présentées.
- (3) Dès qu'une décision a été rendue relativement à toutes Idem les demandes d'octroi de la qualité d'intervenant, la commission avise tous les intervenants de leur droit de faire une demande d'aide financière aux intervenants. Elle avise sans délai les intervenants de la date limite de présentation de cette dernière demande.

(4) Après avoir décidé toutes les questions relatives à la Ajournement qualité d'intervenant, une commission ne doit pas poursuivre une audience:

- a) avant que la date limite pour faire une demande d'aide financière aux intervenants ne soit passée, si aucune demande n'a été reçue;
- avant que le comité d'aide financière constitué pour b) l'audience ne l'informe qu'il a statué sur toutes les demandes d'aide financière aux intervenants, si des demandes ont été recues.

Intervenor funding panel required

**4.**—(1) An intervenor funding panel shall be appointed for a hearing before a board if any applications are received for intervenor funding.

Duty of funding panels

(2) A funding panel shall determine, with respect to the hearing for which it is appointed, all issues related to the determination of who are the proponents and funding proponents and eligibility for intervenor funding and the amount of the funding.

Restriction

(3) A member of a funding panel shall not determine any issue in the hearing for which the panel was appointed other than those referred to in subsection (2).

Composition and appointment of funding panels **5.**—(1) Except in the case of a joint board, a funding panel shall consist of one person named by the chairperson of the board from among its members.

Idem

(2) The funding panel of a joint board shall consist of one person named by the chairperson of the Ontario Municipal Board from among its members and one person named by the chairperson of the Environmental Assessment Board from among its members.

Chairperson

(3) The member named under subsection (2) by the chairperson of the Environmental Assessment Board shall be the chairperson of the funding panel of the joint board.

Decision of joint board

(4) If the members of the funding panel of a joint board are unable to reach a common decision, the decision of the panel's chairperson shall be deemed to be the panel's decision.

Funding proponents

**6.**—(1) Before dealing with any applications for intervenor funding, a funding panel shall determine who is or are the funding proponents.

Notice

(2) For purposes of the determination required by subsection (1), a funding panel shall give notice to a proponent of its intention to name the proponent as a funding proponent.

Hearing

(3) If a proponent who receives a notice under subsection (2) files with the board an objection to being named as a funding proponent, the funding panel shall hold a hearing to determine whether the proponent will be named as a funding proponent.

4 (1) Un comité d'aide financière est constitué pour une audience devant une commission si celle-ci reçoit des demandes d'aide financière aux intervenants.

Comité d'aide financière

(2) Un comité d'aide financière décide, relativement à l'au- Devoir des dience pour laquelle il a été constitué, toutes les questions financière relatives à l'identité des proposants, à l'identité des proposants tenus de verser une aide financière, à l'admissibilité des demandeurs à l'aide financière aux intervenants et au montant de l'aide financière accordée.

(3) Un membre d'un comité d'aide financière ne doit tran-Réserve cher, à l'audience pour laquelle le comité a été constitué, aucune question qui n'est pas visée au paragraphe (2).

5 (1) Sauf dans le cas d'une commission mixte, un comité d'aide financière se compose d'une personne nommée par le président de la commission parmi les membres de celle-ci.

Composition et constitution des comités financière

(2) Le comité d'aide financière d'une commission mixte se Idem compose d'une personne nommée par le président de la Commission des affaires municipales de l'Ontario parmi les membres de celle-ci et d'une personne nommée par le président de la Commission des évaluations environnementales parmi les membres de celle-ci.

(3) Le membre nommé aux termes du paragraphe (2) par le Président président de la Commission des évaluations environnementales préside le comité d'aide financière de la commission mixte.

(4) Si les membres du comité d'aide financière d'une com- Décision de la mission mixte ne peuvent pas s'entendre sur une décision, la mixte décision du président du comité est réputée la décision du comité.

6 (1) Avant de traiter une demande d'aide financière aux Proposants intervenants, un comité d'aide financière décide de l'identité ser une aide des proposants tenus de verser une aide financière.

tenus de verfinancière

(2) Aux fins de la décision qu'exige le paragraphe (1), un Avis comité d'aide financière avise un proposant de son intention de nommer le proposant comme proposant tenu de verser une aide financière aux intervenants.

(3) Si un proposant qui reçoit un avis aux termes du para- Audience graphe (2) dépose auprès de la commission une objection à être nommé comme proposant tenu de verser une aide financière, le comité d'aide financière tient une audience pour décider si le proposant sera nommé comme proposant tenu de verser une aide financière.

Deemed funding proponent (4) A proponent who does not file an objection within the time allowed by the funding panel shall be named as a funding proponent.

Power of board (5) A funding panel may decide that there is no funding proponent.

Party status

(6) A funding proponent is entitled to be a party to hearings before the funding panel and with respect to applications under section 12.

Eligibility for intervenor funding **7.**—(1) Intervenor funding may be awarded only in relation to issues,

- (a) which, in the opinion of the funding panel, affect a significant segment of the public; and
- (b) which, in the opinion of the funding panel, affect the public interest and not just private interests.

Idem

- (2) In deciding whether to award intervenor funding to an intervenor, the funding panel shall consider whether,
  - (a) the intervenor represents a clearly ascertainable interest that should be represented at the hearing;
  - (b) separate and adequate representation of the interest would assist the board and contribute substantially to the hearing;
  - (c) the intervenor does not have sufficient financial resources to enable it to adequately represent the interest;
  - (d) the intervenor has made reasonable efforts to raise funding from other sources;
  - (e) the intervenor has an established record of concern for and commitment to the interest;
  - (f) the intervenor has attempted to bring related interests of which it was aware into an umbrella group to represent the related interests at the hearing;
  - (g) the intervenor has a clear proposal for its use of any funds which might be awarded; and

(4) Un proposant qui ne dépose pas d'objection dans le Réputé délai imparti par le comité d'aide financière est nommé comme proposant tenu de verser une aide financière.

tenu de verser une financière

(5) Le comité d'aide financière peut décider qu'il n'y a Pouvoir du aucun proposant tenu de verser une aide financière.

(6) Un proposant tenu de verser une aide financière est partie aux audiences devant le comité d'aide financière, ainsi qu'aux demandes présentées en vertu de l'article 12.

Partie à l'audience

(1) L'aide financière aux intervenants n'est accordée Admissibilité qu'à l'égard de questions qui, de l'avis du comité d'aide aune aux financière:

à une aide intervenants

- a) touchent une partie importante du public;
- concernent l'intérêt public et non seulement des b) intérêts privés.
- (2) Lorsqu'il décide s'il doit accorder à un intervenant Idem l'aide financière aux intervenants, le comité d'aide financière examine si:
  - l'intervenant représente un intérêt clairement établi a) qu'il y a lieu de représenter à l'audience;
  - une représentation distincte et satisfaisante de l'inb) térêt serait utile à la commission et contribuerait de façon importante à l'audience;
  - c) l'intervenant ne dispose pas de ressources financières suffisantes pour lui permettre de représenter l'intérêt de façon satisfaisante;
  - l'intervenant a fait des efforts raisonnables pour se d) procurer des fonds par d'autres moyens;
  - e) l'intervenant s'est prononcé et engagé en faveur de l'intérêt par le passé;
  - l'intervenant a tenté d'effectuer un regroupement f) d'intérêts connexes dont il a connaissance à des fins de représentation à l'audience;
  - l'intervenant a clairement formulé l'utilisation qu'il g) se propose de faire des fonds qui pourraient lui être octroyés;

(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award.

Idem

- (3) In determining the amount of an award of intervenor funding, the funding panel shall,
  - (a) if the proposal includes the use of lawyers in private practice, assess legal fees at the legal aid rate under the legal aid plan in effect on the day of the award for work necessarily and reasonably performed;
  - (b) set a ceiling in respect of disbursements that may be paid as part of the award and such disbursements shall be restricted to eligible disbursements;
  - (c) deduct from the award funds that are reasonably available to the applicant from other sources.

Idem

(4) A funding panel may award intervenor funding subject to such conditions as it sets out in its order.

Definition "débours remboursables" (5) In clause (3) (b), "eligible disbursements" means disbursements for consultants, expert witnesses, typing, printing, copying and transcripts necessary for the representation of the interest and such other expenditures as may be named in the regulations made under this Part as eligible disbursements.

Proponent to pay

**8.**—(1) An award of intervenor funding is an award against the funding proponent named in the order of the funding panel and shall be paid by the funding proponent at the times and in the amounts specified in the panel's order.

Idem

(2) If there is more than one funding proponent, the funding panel may determine the proportion of an award of intervenor funding that each funding proponent shall pay.

Idem

(3) If the funding panel is of the opinion that an award of intervenor funding will result in significant financial hardship to the funding proponent, the panel may refuse to make the award or it may reduce the size of the award.

Supervision

9.—(1) It is a condition of every award of intervenor funding that the intervenor in whose favour an award is made allow the board under whose jurisdiction the award was made, or its agents, access to the books and records of the intervenor to insure that conditions set by the funding panel are being or have been met.

- l'intervenant dispose de moyens comptables suffih) sants pour garantir que les fonds octroyés, le cas échéant, sont utilisés aux fins reconnues.
- (3) Lorsqu'il décide du montant accordé au titre de l'aide Idem financière aux intervenants, le comité d'aide financière :
  - évalue les frais de justice pour les travaux nécessaia) res et raisonnables effectués, selon le barème du régime d'aide juridique en vigueur à la date de l'octroi de l'aide financière, si la proposition comprend le recours à des avocats établis en pratique privée;
  - b) fixe un plafond à l'égard des débours qui peuvent être versés comme partie du montant accordé, ces débours étant limités aux débours remboursables;
  - déduit du montant accordé les sommes que l'auteur c) de la demande peut raisonnablement se procurer par d'autres moyens.
- (4) Un comité d'aide financière peut soumettre l'octroi Idem d'une aide financière aux intervenants aux conditions qu'il énonce dans son ordre.
- (5) À l'alinéa (3) b), «débours remboursables» s'entend des Définition débours pour les experts-conseils, les témoins experts et les disbursements» travaux de dactylographie, d'impression, de photocopie et de transcription nécessaires à la représentation de l'intérêt et toute autre dépense qualifiée de remboursable dans les règlements pris en application de la présente partie.

«eligible

8 (1) Le proposant tenu de verser une aide financière Remboursenommé dans l'ordre du comité d'aide financière est condamné proposant à verser l'aide financière accordée dans les délais et aux montants précisés dans cet ordre.

(2) S'il y a plus d'un proposant tenu de verser une aide Idem financière, le comité d'aide financière peut déterminer la part de l'aide financière aux intervenants que verse chaque proposant tenu de verser une aide financière.

(3) Si le comité d'aide financière est d'avis que la condam- Idem nation à verser une aide financière aux intervenants entraînera un préjudice financier grave pour le proposant tenu de verser une aide financière, il peut refuser d'accorder le montant ou le diminuer.

9 (1) Les montants accordés au titre de l'aide financière Supervision aux intervenants le sont à la condition que l'intervenant bénéficiaire du montant donne à la commission compétente ou à

Enforcement of conditions (2) If an intervenor fails without reasonable cause to comply with the conditions of an award, the intervenor and its directors and officers, upon the order of the board, shall be jointly and severally liable to repay to the proponent the amount of the award, or such part thereof, as the board may order.

Rules

10. Rules regulating the practice and procedure for matters to be determined under this Act in relation to hearings before a board may be made in the same manner as rules regulating the practice and procedure of the board.

Regulations

11. The Lieutenant Governor in Council may make regulations naming expenditures that shall be considered to be eligible disbursements.

Supplementary funding 12.—(1) An intervenor who has received intervenor funding may apply to the board at any time up to the end of the hearing for supplementary funding and the board may award the funding if it is of the opinion, having regard to all of the circumstances, that the original award was inadequate.

Idem

(2) Sections 7 to 11 apply with necessary modifications to supplementary funding.

Costs

(3) The amount of intervenor funding received by an intervenor shall be deducted by the board from any costs awarded to the intervenor.

Appeals

13.—(1) An appeal lies only on a matter of law with respect to a decision on intervenor funding.

High Court

(2) An appeal shall be commenced by way of application to the High Court and shall be heard by a single judge.

Powers of judge

- (3) If the judge finds an error of law, the judge may,
  - (a) make any order or decision that the funding panel or board, as the case may be, ought to have or could have made;
  - (b) order a rehearing by the funding panel or the board, as the case may be;

ses représentants accès à ses livres et dossiers afin de garantir que les conditions imposées par le comité d'aide financière sont ou ont été respectées.

(2) Si un intervenant, sans motifs valables, ne se conforme Mise à pas aux conditions de l'octroi d'une aide financière, l'intervenant, ses administrateurs et ses dirigeants sont solidairement tenus de rembourser au proposant, sur ordre de la commission, tout ou partie du montant accordé, selon ce qu'ordonne la commission

10 Des règles peuvent être établies pour régir la pratique Règles et la procédure relatives aux questions à trancher aux termes de la présente loi dans le cadre d'audiences devant une commission, de la même manière que les règles pour régir la pratique et la procédure de la commission.

11 Le lieutenant-gouverneur en conseil peut, par règle- Règlements ment, énumérer les dépenses qui constituent des débours remboursables.

12 (1) Un intervenant qui a reçu une aide financière aux Aide finanintervenants peut, jusqu'à la fin de l'audience, présenter à la cière supplémentaire commission une demande d'aide financière supplémentaire. La commission peut accorder cette aide financière si elle estime, eu égard à l'ensemble des circonstances, que le montant initialement accordé était insuffisant.

- (2) Les articles 7 à 11 s'appliquent, avec les adaptations Idem nécessaires, à l'aide financière supplémentaire.
- (3) La commission déduit des dépens adjugés à un interve- Dépens nant le montant de l'aide financière aux intervenants obtenue par l'intervenant.

- 13 (1) Il peut être interjeté appel uniquement d'une ques- Appels tion de droit relative à une décision sur l'aide financière aux intervenants.
- (2) Un appel est introduit par voie de requête présentée à Haute Cour la Haute Cour. Il est entendu par un seul juge.
  - (3) Si le juge constate une erreur de droit, il peut :

Pouvoirs du juge

- rendre l'ordonnance ou prendre la décision que le a) comité d'aide financière ou la commission, selon le cas, aurait dû ou aurait pu rendre ou prendre;
- ordonner une nouvelle audition par le comité d'aide b) financière ou par la commission, selon le cas;

(c) dismiss the appeal.

Crown bound

14. This Part binds the Crown.

Application

15. This Part applies only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Repeal

**16.**—(1) This Part is repealed on the day that is three years after the day it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Transitional

(2) Proceedings commenced before the repeal of this Part shall be taken up and completed as if it had not been repealed.

#### **PART II**

#### AMENDMENTS TO CERTAIN ACTS

17. Section 7 of the *Consolidated Hearings Act*, 1981, being chapter 20, is amended by adding thereto the following subsection:

Considerations not limited

- (7) In awarding costs, a joint board is not limited to the considerations that govern awards of costs in any court.
- 18. Section 18 of the *Environmental Assessment Act*, being chapter 140 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Costs

(16a) The Board may award the costs of a proceeding before it.

**Payment** 

(16b) The Board may order to whom and by whom the costs are to be paid.

Assessment

(16c) The Board may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.

Considerations not limited

- (16d) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.
- 19. Subsections 33 (5), (6), (7) and (8) of the *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 22, are repealed.

- c) rejeter l'appel.
- 14 La présente partie lie la Couronne.

La Couronne est liée

15 La présente partie s'applique uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article.

Champ d'application

16 (1) La présente partie est abrogée trois ans après son Abrogation entrée en vigueur ou à une date ultérieure que le lieutenantgouverneur fixe par proclamation.

(2) Les instances introduites avant l'abrogation de la pré-Disposition sente partie sont poursuivies et menées à bien comme si la présente partie n'avait pas été abrogée.

#### PARTIE II

#### MODIFICATION DE CERTAINES LOIS

- 17 L'article 7 de la Loi de 1981 sur la jonction des audiences, qui constitue le chapitre 20, est modifié par adjonction du paragraphe suivant:
- (7) In awarding costs, a joint board is not limited to the Considerations considerations that govern awards of costs in any court.
- 18 L'article 18 de la Loi sur les évaluations environnementales, qui constitue le chapitre 140 des Lois refondues de l'Ontario de 1980, est modifié par adjonction des paragraphes suivants:
- (16a) The Board may award the costs of a proceeding Costs before it.
- (16b) The Board may order to whom and by whom the Payment costs are to be paid.
- (16c) The Board may fix the amount of the costs or direct Assessment that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed.
- (16d) In awarding costs, the Board is not limited to the Considerations not limited considerations that govern awards of costs in any court.
- 19 Les paragraphes 33 (5), (6), (7) et (8) de la Loi sur la protection de l'environnement, qui constitue le chapitre 141 des Lois refondues de l'Ontario de 1980, adoptés par l'article 22 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.

Bill 174

20. Section 28 of the Ontario Energy Board Act, being chapter 332 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Considerations not limited

- (5) In awarding costs, the Board is not limited to the considerations that govern awards of costs in any court.
- 21. Subsections 53 (5), (6), (7) and (8) of the Ontario Water Resources Act, being chapter 361 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1988, chapter 54, section 53, are repealed.

Application

22. The amendments set out in sections 17, 18 and 20 apply only to hearings in relation to which public notice of hearing is first given after the coming into force of this section.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the Intervenor Funding Project Act, 1988.

- 20 L'article 28 de la Loi sur la Commission de l'énergie de l'Ontario, qui constitue le chapitre 332 des Lois refondues de l'Ontario de 1980, est modifié par adjonction du paragraphe suivant:
- (5) In awarding costs, the Board is not limited to the consi- Considerations derations that govern awards of costs in any court.

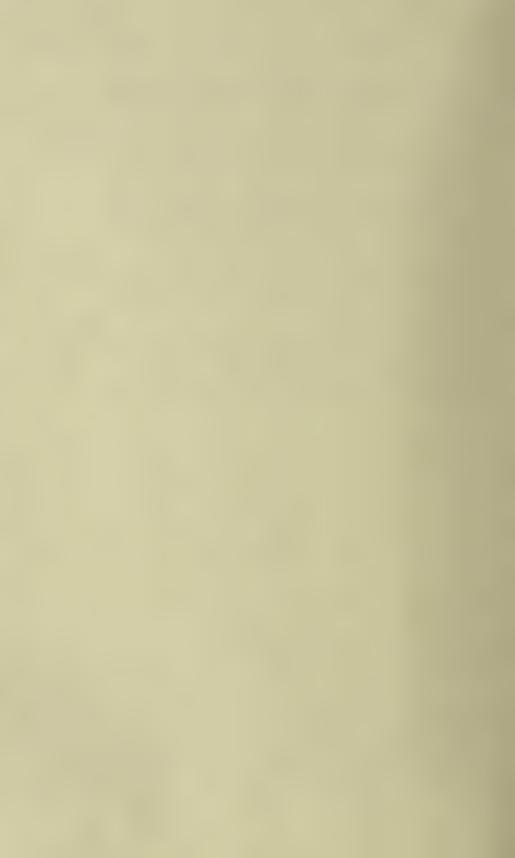
- 21 Les paragraphes 53 (5), (6), (7) et (8) de la *Loi sur les* ressources en eau de l'Ontario, qui constitue le chapitre 361 des Lois refondues de l'Ontario de 1980, adoptés par l'article 53 du chapitre 54 des Lois de l'Ontario de 1988, sont abrogés.
- 22 Les modifications indiquées aux articles 17, 18 et 20 Champ s'appliquent uniquement aux audiences à l'égard desquelles un premier avis d'audience public est donné après l'entrée en vigueur du présent article.

d'application

- 23 La présente loi entre en vigueur le jour que le Entrée en lieutenant-gouverneur fixe par proclamation.
- 24 Le titre abrégé de la présente loi est Loi de 1988 sur le Titre abrégé projet d'aide financière aux intervenants.







1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# Bill 175

(Chapter 18 Statutes of Ontario, 1989)

## An Act respecting transfers of Water

The Hon. V. Kerrio

Minister of Natural Resources

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 29th, 1988

2nd Reading February 9th, 1989

3rd Reading March 1st, 1989

Royal Assent March 2nd, 1989



Bill 175 1988

### An Act respecting transfers of Water

Whereas water is a precious and limited resource that is vital Preamble to the long-term social, environmental and economic wellbeing of Ontario; and whereas the Province has a responsibility to ensure a secure supply of water for Ontario;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1.—(1) In this Act,

Definitions

- "approval" means the approval of the Minister under subsection 4 (1);
- "inspector" means a person who is appointed by the Minister as an inspector under section 9;
- "Minister" means the Minister of Natural Resources;
- "prescribed" means prescribed by the regulations;
- "regulations" means the regulations made under this Act;
- "water" means natural surface and ground water in liquid, gaseous or solid state, but does not include spring or mineral water bottled as a beverage for human consumption.
- (2) For the purposes of this Act, Ontario is divided into Interpretation four provincial drainage basins as follows:
  - Lake Ontario, Lake Erie, Lake Huron, Lake 1. Superior and the St. Lawrence River and the part of Ontario the water of which drains into any of them.
  - The Ottawa River and the part of Ontario the water 2. of which drains into it.
  - The part of Ontario the water of which drains into 3. the Nelson River.

4. The part of Ontario the water of which drains into Hudson Bay or James Bay.

Prohibition

2. No person shall transfer water out of a provincial drainage basin by any means without the written approval of the Minister.

Information required

**3.** A person who requests approval to transfer water out of a provincial drainage basin shall submit to the Minister plans, reports, studies and other information as are prescribed or as may be requested by the Minister.

Approval subject to conditions and payment **4.**—(1) The Minister may approve a transfer of water out of a provincial drainage basin subject to such conditions and subject to the payment to the Crown of such amount as the Minister considers appropriate.

Manner and terms of payment (2) The amount to be paid to the Crown for a transfer of water under subsection (1) may be a lump sum, a fixed periodic payment, an amount calculated according to the quantity of water transferred, or any combination thereof, and may be made payable on such terms as are prescribed or as the Minister determines.

Approval not transferable

5. An approval is not transferable.

Refusal

**6.**—(1) The Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin if, in the Minister's opinion, the transfer may be detrimental to ensuring a secure water supply for Ontario or any part thereof.

Refusal to transfer outside Canada (2) Despite the trade agreement signed on the 2nd day of January, 1988 by the Government of Canada and the Government of the United States of America or any law of Canada implementing the agreement, the Minister shall refuse to give approval to a transfer of water out of a provincial drainage basin to a place outside Canada.

Conditions and payments changed, etc.

- 7. The Minister may at any time,
  - (a) waive or revoke a condition attached to an approval;
  - (b) change a condition attached to an approval;
  - (c) attach a new condition to an approval; or
  - (d) change the amount or terms of the payment required to be paid to the Crown for the transfer of water.

- **8.** If at any time after the Minister has given an approval Revocation the Minister is of the opinion that the transfer is or may be detrimental to ensuring a secure water supply for Ontario or any part thereof, the Minister shall revoke the approval.
- **9.**—(1) The Minister may appoint in writing one or more Inspectors employees of the Ministry or other persons as inspectors.
- (2) In an appointment under subsection (1), the Minister Limitation may limit the duties or the authority, or both, of an inspector in such manner as the Minister considers appropriate.

10.—(1) An inspector shall determine,

Inspectors,

- (a) if section 2 is being or has been contravened;
- (b) if the conditions attached to a consent are being complied with;
- (c) if the amount of money owed to the Crown is or has been paid to the Crown; or
- (d) if an order issued under subsection 14 (5) or 15 (1) is being complied with.
- (2) An inspector, for the purpose of carrying out his or her Powers duties,
  - (a) may enter any place at any reasonable time;
  - (b) may stop any vehicle or vessel at any reasonable time;
  - (c) may inspect any place or thing;
  - (d) may require that any machine or thing be operated or used;
  - (e) may request the production for inspection of any documents or things;
  - (f) upon giving a receipt therefor, may remove from a place documents or things produced pursuant to a request under clause (e) for the purpose of making copies or extracts and shall promptly return them to the person who produced them; and
  - (g) may record or copy any information by any method.

Entry to dwellings

11.—(1) A person shall not exercise a power of entry conferred by this Act to enter a place that is being used as a dwelling without the consent of the occupier except under the authority of a warrant under this section.

Warrant for search

(2) Where a justice of the peace is satisfied on evidence upon oath that there are in a place documents or things that there is reasonable ground to believe will afford evidence relevant to the carrying out of an inspector's duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing the inspector named in the warrant to search the place for any such documents or things and to remove them for the purposes of making copies or extracts and they shall be returned promptly to the place from which they were removed.

Warrant for entry

(3) Where a justice of the peace is satisfied on evidence upon oath that there is reasonable ground to believe it is necessary that a place being used as a dwelling or to which entry has been denied be entered so that an inspector may carry out his or her duties under this Act, the justice of the peace may issue a warrant in the prescribed form authorizing such entry.

Authority given by warrant (4) A warrant issued under subsection (3) authorizes the inspector to whom it is issued, by force if necessary, and together with such police officers as the inspector calls upon for assistance, to do anything set out in section 10 and specified in the warrant.

Execution of warrant

(5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry of warrant

(6) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Application without notice

(7) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or occupier of the place named in the warrant.

Admissibility of copies

12. Copies of, or extracts from, documents and things removed from a place under this Act and certified as being true copies of the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction of inspector

13.—(1) No person shall hinder, obstruct or interfere with an inspector in the execution of a warrant or otherwise

impede an inspector in carrying out his or her duties under this Act.

- (2) Subsection (1) is not contravened where a person Idem refuses to produce documents or things, or to operate or use machines or things, unless a warrant has been issued under section 11.
- (3) No person shall furnish an inspector with false informa- False tion or neglect or refuse to furnish information required by an inspector for the purpose of carrying out his or her duties under this Act.

information

- **14.**—(1) Every person who contravenes section 2 or 13 is Offences guilty of an offence.
- (2) Every person who breaches a condition attached to an Breach of condition approval is guilty of an offence.
- (3) Every individual who is convicted of an offence under Penalty for individuals this section is liable,
  - on a first conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues; and
  - (b) on each subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues.
- (4) Every corporation that is convicted of an offence under Penalty for this section is liable.
  - on a first conviction, to a fine of not more than \$250,000 for each day or part of a day on which the offence occurs or continues; and
  - (b) on each subsequent conviction, to a fine of not more than \$500,000 for each day or part of a day on which the offence occurs or continues.
- (5) In addition to any penalty imposed under subsection (3) Restraining order upon or (4), the court that convicts a person of an offence under conviction this Act, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

15.—(1) Upon the application of counsel for the Attorney Restraining General to the Supreme Court or District Court, the court

may make an order restraining a person from transferring water out of a provincial drainage basin without an approval.

Idem

(2) An order under subsection (1) is in addition to any penalty that may be imposed and may be made whether or not proceedings have been commenced for a contravention of section 2.

Regulations

- **16.** The Lieutenant Governor in Council may make regulations,
  - (a) prescribing forms and providing for their use;
  - (b) governing applications for an approval;
  - (c) prescribing plans, reports, studies and information to be submitted by applicants;
  - (d) prescribing and governing the books, records and accounts that shall be kept by persons transferring water out of a provincial drainage basin;
  - (e) prescribing and governing the reports and returns to be made to the Minister;
  - (f) prescribing methods of calculating the amount of the payment required to be paid to the Crown for a transfer of water under this Act;
  - (g) prescribing the terms of the payment required to be paid to the Crown for a transfer of water under this Act;
  - (h) requiring that security be deposited by a person who has obtained an approval and prescribing the form, terms, conditions and amount of such security;
  - (i) prescribing, by content, size or type of container, or any other characteristic, what is or is not considered to be spring or mineral water bottled as a beverage for human consumption for the purpose of the definition of water.

Commencement 17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

18. The short title of this Act is the Water Transfer Control Act, 1989.

37 ELIZABETH II, 1988

Pom M. Cyo

# Bill 180

(Chapter 58 Statutes of Ontario, 1988)

# An Act to amend the Occupational Health and Safety Act

The Hon. G. Sorbara

Minister of Labour

CLERK LEGISLATIVE ASSEMBLY

1st Reading October 20th, 1988

2nd Reading November 1st, 1988

3rd Reading November 2nd, 1988

Royal Assent November 2nd, 1988

 **Bill 180** 1988

### An Act to amend the Occupational Health and Safety Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 22b (1), (2) and (3) of the Occupational Health and Safety Act, being chapter 321 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:
  - (1) An employer,

Hazardous material identification and data

- (a) shall ensure that all hazardous materials present in the work place are identified in the prescribed manner:
- (b) shall obtain or prepare, as may be prescribed, an unexpired material safety data sheet for all hazardous materials present in the work place; and
- (c) shall ensure that the identification required by clause (a) and material safety data sheets required by clause (b) are available in English and such other languages as may be prescribed.
- (2) No person shall remove or deface the identification Prohibition described in clause (1)(a) for a hazardous material.
- (3) An employer shall ensure that a hazardous material is Hazardous not used, handled or stored at a work place unless the prescribed requirements concerning identification, material safety data sheets and worker instruction and training are met.

material not

2. Section 22c of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding thereto the following subsection:

Idem

- (5a) An employer who makes a material safety data sheet readily accessible on a computer terminal at a work place,
  - (a) shall take all reasonable steps necessary to keep the terminal in working order;
  - (b) shall give a worker upon request a copy of the material safety data sheet; and
  - (c) shall teach all workers who work with or in proximity to hazardous materials, the health and safety representative, if any, at the work place and the members of the committee how to retrieve the material safety data sheet on the computer terminal.
- 3.—(1) Subsections 22e (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, are repealed and the following substituted therefor:

Confidential business information

- (1) An employer may file a claim with the claims board for an exemption from disclosing,
  - (a) information required under this Part in an inventory, label or material safety data sheet; or
  - (b) the name of a toxicological study used by the employer to prepare a material safety data sheet,

on the grounds that it is confidential business information.

Idem

(1a) An application under subsection (1) shall be made only in respect of such types of confidential business information as may be prescribed.

Powers and duties of the claims board

- S.C. 1987,
- (2) The claims board shall exercise the powers and perform the functions of the Hazardous Materials Information Review Commission under sections 11 to 18 and 20 to 27 of the Hazardous Materials Information Review Act (Canada).
- (2) Subsection 22e (5) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "and" in the fourth line "for three years".
- 4. Subsection 22g (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after "developed" in the second line "and implemented".

- 5. Subsection 34 (1) of the said Act is amended by adding thereto the following clauses:
  - (aa) no inspector or other person who receives directly or indirectly from the claims board designated under subsection 22e (7) information provided to the claims board by an employer shall disclose it;

- (ba) no person shall use or disclose to any person information acquired, furnished, obtained or received under this Act or the regulations that is confidential business information or in respect of which a claim is pending under subsection 22e (1).
- 6. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7, is further amended by adding thereto the following paragraphs:
  - 4a. exempting an employer from the requirements of clause 22b (1) (a) or (b) with respect to a hazardous material:

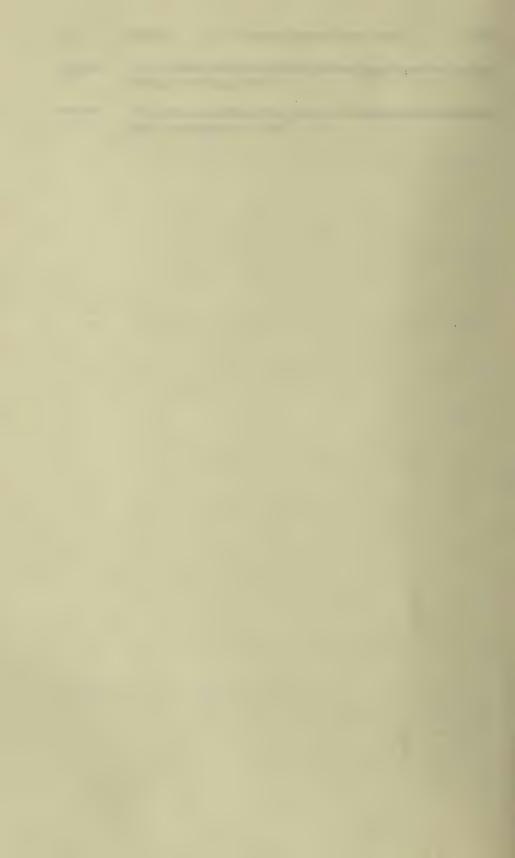
- 25. prohibiting an employer from altering a label on a hazardous material in prescribed circumstances;
- 26. prescribing the criteria to be used by the claims board to determine whether information is confidential business information in an application under subsection 22e (1);
- 27. requiring an employer to disclose to such persons as may be prescribed the source of toxicological data used by the employer to prepare a material safety data sheet:
- 28. prescribing the format and contents of a material safety data sheet.
- 7. The Regulation known as the Workplace Hazardous WHMIS Materials Information System (WHMIS) Regulation is not invalid by reason only of the fact that this Act was not in force at the time it was made.

Commencement 8. This Act shall be deemed to have come into force on the 31st day of October, 1988.

Short title

9. The short title of this Act is the Occupational Health and Safety Amendment Act, 1988.





1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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### Bill 181

(Chapter 72 Statutes of Ontario, 1988)

# An Act to amend the Legislative Assembly Act

Mr. Epp

CLERK LEGISLATIVE ASSEMBLY

1st Reading October 20th, 1988

2nd Reading December 8th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988

YATHER ALERSAY

Bill 181 1988

#### An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 38 of the Legislative Assembly Act, being chapter 235 of the Revised Statutes of Ontario, 1980, is amended by striking out "detention or molestation" in the second line and inserting in lieu thereof "or detention".
- 2. The said Act is amended by adding thereto the following section:
- **38a.** No person shall make a personal service that is required or authorized by law in a civil matter upon another person,
  - (a) in the Legislative Building;
  - (b) in a room or place in Ontario in which a duly constituted committee of the Assembly is meeting; or
  - (c) in an office of a member of the Assembly, other than a constituency office, that is situate outside the Legislative Building, and that is designated by the Speaker for the purposes of this section.
- 3.—(1) Paragraph 11 of subsection 45 (1) of the said Act is amended by striking out "detention or molestation" in the first and second lines and inserting in lieu thereof "or detention".
- (2) Subsection 45 (1) of the said Act is amended by adding thereto the following paragraph:
  - Making a service upon a person in contravention of Service of civil process

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Legislative Assembly Amendment Act, 1988.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

## **Bill 186**

(Chapter 9 Statutes of Ontario, 1989)

An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

The Hon. C. Ward Minister of Education

CLERK
LEGISLATIVE ASSEMBLY

1st Reading November 15th, 1988

2nd Reading January 11th, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



**Bill 186** 1988

### An Act to provide for the Allocation of certain Payments or Grants in lieu of Taxes made by Canada to Municipalities in respect of Lands that are Exempt from Taxation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

"board" means a board as defined in paragraph 3 of subsection 1 (1) of the Education Act, other than a board R.S.O. 1980, established under section 70 of the Education Act, or The Metropolitan Toronto French-language School Council and The Ottawa-Carleton French-language School Board but includes the public sector and the Roman Catholic sector of The Ottawa-Carleton French-language School Board;

- "commercial assessment" means, according to the last returned assessment roll.
  - (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or a province or territory of Canada, or a board, agency or commission thereof, or a municipal corporation or a local board thereof,
  - (b) business assessment, and
  - (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

"defence property" means the prescribed lands and premises of defence establishments belonging to Canada;

"French-language instructional unit" and "French-speaking person" have the same meaning as in section 257a of the *Education Act*;

R.S.O. 1980, c. 129

"prescribed" means prescribed by the regulations;

"regulations" means the regulations made under this Act;

"residential and farm assessment", according to the last returned assessment roll, means the assessment for real property, except for the assessment for real property referred to in clauses (a) and (c) of the definition "commercial assessment";

"weighted assessment", in respect of a prescribed municipality for a year, means the sum of,

- (a) the residential and farm assessment of the prescribed municipality used for taxation in that year, and
- (b) an amount of assessment that is equal to the quotient obtained by dividing the commercial assessment for that year by 0.85,

determined for elementary school purposes or secondary school purposes, or both, as the case requires.

Allocation to boards

2.—(1) A prescribed municipality that receives in a year, or that is entitled to receive in a year, a payment or grant in lieu of taxes from Canada in respect of defence property for school purposes shall allocate to the boards that have jurisdiction in the municipality that portion of the payment or grant that is prescribed.

Proportion of allocation

(2) The portion of the amount of the payment or grant in lieu of taxes referred to in subsection (1) received or receivable by the prescribed municipality shall be allocated to the boards that have jurisdiction in the municipality in the ratio that the weighted assessment supporting each board in the municipality bears to the total of the weighted assessment supporting the boards in the municipality.

Adjustment of allocation

- (3) An amount that is allocated to a board under this section shall be deducted from,
  - (a) the requisition of the board that makes an apportionment to the prescribed municipality by means of a requisition; or

(b) the requisition submitted by a metropolitan corporation for the school purposes of a board of education having jurisdiction in the prescribed municipality,

and the net amount of the requisition shall be the amount included in the levy for the purposes of section 158 of the *Municipal Act*.

R.S.O. 1980, c. 302

(4) An amount that is allocated to a board under this section shall be used to adjust the mill rate required to be levied for school purposes by the prescribed municipality by a board that makes an apportionment by such means and the rate as adjusted to reflect the allocation to that board, despite subsection 133 (1) of the *Education Act*, shall be the rate levied for school purposes for that board in the prescribed municipality.

R.S.O. 1980, c. 129

(5) An allocation under this section shall be made for elementary school purposes or for secondary school purposes or for both elementary school purposes and secondary school purposes as may be prescribed and shall be deemed to be revenue of the board from taxes levied for such school purposes.

Allocation for elementary or secondary purposes

**3.**—(1) Despite section 44 of the *Education Act*, a person who resides with his or her parent or guardian on defence property in a prescribed municipality that makes an allocation under section 2 is entitled to attend an elementary school or a secondary school, as the case requires, in accordance with this section without payment of a fee.

Application of R.S.O. 1980, c. 129, s. 44

(2) A person who resides with his or her parent or guardian Entitleme on defence property in a prescribed municipality,

- (a) whose parent or guardian is a Roman Catholic within the meaning of the *Education Act*, is entitled to attend a school operated by a board of education or a separate school board that has jurisdiction in the prescribed municipality;
- (b) whose parent or guardian is a French-speaking person, is entitled to attend a French-language instructional unit that is operated or provided by a board that has jurisdiction in the prescribed municipality;
- (c) where the prescribed municipality is an area municipality in The Municipality of Metropolitan Toronto, is entitled to attend a school that is operated by a board of education that has jurisdiction in The Municipality of Metropolitan Toronto and if the

parent or guardian is a French-speaking person is entitled to attend a school operated by The Metropolitan Toronto French-language School Council; and

(d) in all cases, other than those referred to in clauses (a), (b) and (c), is entitled to attend a school that is operated by a board of education that has jurisdiction in the prescribed municipality.

Municipality to reimburse Canada

- 4. Each municipality that received a payment or grant in lieu of taxes in respect of defence property for school purposes for the years 1986 and 1987 shall, on or before the 1st day of June, 1989, reimburse Canada in an amount that is equal to the lesser of,
  - (a) the amount of the payment or grant in lieu of taxes attributable to the defence property for school purposes in respect of the years 1986 and 1987; or
  - (b) the sum determined by the Minister of Education of the tuition fees and transportation costs paid in respect of the years 1986 and 1987 by a Canadian Forces Base board of education established under section 70 of the *Education Act* to the boards having jurisdiction in the municipality.

R.S.O. 1980, c. 129

Regulations

- 5.—(1) The Lieutenant Governor in Council may make regulations,
  - (a) respecting any matter that is referred to as prescribed by the regulations;
  - (b) prescribing the portion of the amount of a payment or grant in lieu of taxes received in respect of defence property for school purposes that is to be allocated by prescribed municipalities to boards under this Act.

Retroactive

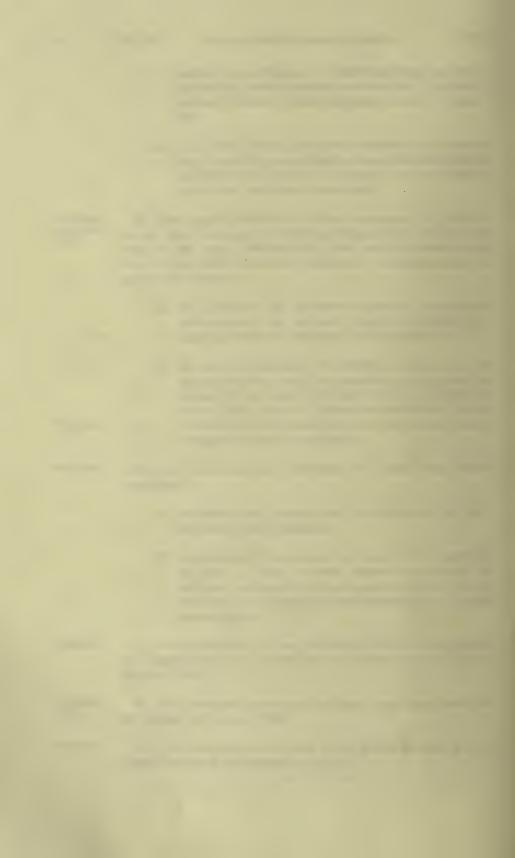
(2) A regulation is, if it so provides, effective with respect to a period before it is filed but not before the 1st day of January, 1988.

Commencement 6. This Act shall be deemed to have come into force on the 1st day of January, 1988.

Short title

7. The short title of this Act is the Municipal and School Board Payments Adjustment Act, 1989.





1st SESSION, 34th LEGISLATURE, ONTARIO

P.4.5.

37 ELIZABETH II, 1988

## Bill 188

(Chapter 10 Statutes of Ontario, 1989)

### An Act to amend the Juries Act

The Hon. I. Scott

Attorney General

CLERK LEGISLATIVE ASSEMBLY

1st Reading November 17th, 1988

2nd Reading January 5th, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



**Bill 188** 1988

#### An Act to amend the Juries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 7 of subsection 3 (1) of the Juries Act, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - Any person of the opposite sex to whom a person mentioned in paragraph 3, 4 or 6 is married or with whom that person is living in a conjugal relationship outside marriage.
- (2) Section 3 of the said Act is amended by adding thereto the following subsection:
- (1a) A person who claims to be ineligible under paragraph Declaration 7 of subsection (1) because of living in a conjugal relationship spouses outside marriage must file with that claim a joint declaration of spousal status.

- 2. Subsections 21 (1) and (2) of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64, are repealed.
- 3. This Act comes into force on a day to be named by Commencement proclamation of the Lieutenant Governor.
- 4. The short title of this Act is the Juries Amendment Act, Short title 1989.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

## Bill 192

(Chapter 11 Statutes of Ontario, 1989)

# An Act to amend the Municipal Act and certain other Acts related to Municipalities

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK

LEGISLATIVE ASSEMB

1st Reading November 28th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



**Bill 192** 1988

### An Act to amend the Municipal Act and certain other Acts related to Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 81 (1) of the Municipal Act, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the seventh, eighth and ninth lines.
- 2. Section 112a of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 24, section 1, is amended by adding thereto the following subsections:
- (4a) The power to make grants under clause (4) (b) Grant includes the power to make loans, to charge interest on the loans loans and to guarantee loans.

(4b) A guarantee of loan made under this section shall be Guarantee deemed to be a debt for the purposes of section 149 and, be debt where the term of the loan in respect of which the guarantee is made extends beyond the current year, the guarantee shall be deemed to be an act to which section 64 of the Ontario R.S.O. 1980, Municipal Board Act applies.

- 3. Clause 149 (2) (v) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 31, section 4, is amended by striking out "and 50" in the fourth line and inserting in lieu thereof "50 and 50a".
- 4. Subsection 180 (2) of the said Act is amended by striking out "ratepayers assessed as owners and resident in the municipality" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

- 5.—(1) Subsection 196 (11) of the said Act is amended by striking out "subsections (16) and (17)" in the second line and inserting in lieu thereof "subsection (18)".
- (2) Subsection 196 (18) of the said Act is amended by striking out "(13), (14) and (15)" in the eighth line and inserting in lieu thereof "(16) and (17)".
- 6. Paragraph 28 of section 208 of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the third line and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 7.—(1) Paragraph 18 of section 210 of the said Act is amended by adding thereto the following clause:
  - (a) A by-law passed under this paragraph may,
    - (i) apply to the whole municipality or to any defined areas thereof, and
    - (ii) prescribe different standards for the height and description of lawful fences in different defined areas of the municipality.
- (2) Paragraph 21 of the said section 210 is repealed and the following substituted therefor:

Barbed wire fences

- 21. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or other barbed material and for prohibiting or regulating the erection of fences made wholly or partly of barbed wire or other barbed material.
  - (a) A by-law passed under this paragraph may be made applicable to the whole municipality or to any defined areas thereof.
- (3) Paragraph 29 of the said section 210 is repealed and the following substituted therefor:

Discharge of fire-arms

- 29. For the purpose of public safety, for prohibiting or regulating the discharge of guns or other fire-arms, air-guns, spring-guns, cross-bows, long-bows or any class or type thereof in the municipality or in any defined areas thereof.
- (4) Paragraph 30 of the said section 210, as amended by the Statutes of Ontario, 1986, chapter 64, section 37, is repealed and the following substituted therefor:

30. For regulating the sale of fireworks or any class thereof Sale of and for prohibiting the sale of fireworks or any class thereof on any days during the year specified in the by-law.

- (5) Paragraph 121 of the said section 210 is amended by striking out "except privately-owned parking lots where a fee is charged for the privilege of parking vehicles" in the fourth, fifth and sixth lines.
- 8. The said Act is amended by adding thereto the following section:
- 225b.—(1) In this section, "municipality" includes a met- Interpretation ropolitan, regional or district municipality or the County of Oxford.

(2) By-laws may be passed by the councils of municipalities Participation for participating in programs which allow such participation programs and which are established and administered by a ministry of the Crown in right of Ontario.

(3) The council of a municipality may enter into agree- Agreements ments with a minister of the Crown in right of Ontario to provide for the financing and operation of a program under subsection (2).

- 9. Clause 313 (4) (e) of the said Act is amended by striking out "trees" in the third line and inserting in lieu thereof "land to which the tree is appurtenant".
- 10.—(1) Subsection 368b (2) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:
- (2) If the Minister of Revenue considers that within a coun- County wide ty, or within any class or classes of real property within a assessment update county, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property in the county, or of real property of that class, as the case may be, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each local municipality as will, in the Minister of Revenue's opinion,

(a) eliminate or reduce inequalities in the assessment of real property in the county and, for that purpose, the Minister of Revenue may name a day that the assessment commissioner in whose region the county is situated shall return a new assessment roll

for the assessment at market value of real property in all municipalities in the county; or

- (b) where the assessment is in respect of a parcel or parcels of real property within any class or classes of real property within a county, eliminate or reduce inequalities in the assessment of any class or classes of real property and, for that purpose, the Minister of Revenue may make regulations,
  - (i) prescribing the classes of real property into which all the real property in the county shall be divided,
  - (ii) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the county,
  - (iii) providing that any equalization of assessment pursuant to a regulation made under subclause (ii) shall not alter, as between classes of real property throughout the county, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

When direction effective

(2a) A direction to which clause (2) (a) applies is effective upon publication of a notice of the direction in *The Ontario Gazette*.

Deemed direction, County of Huron R.S.O. 1980, c. 31

- (2b) The proclamation by the Lieutenant Governor in Council under section 70 of the Assessment Act for the assessment at market value of real property in all municipalities in the County of Huron for the 1988 taxation year shall be deemed to be a direction of the Minister of Revenue to which clause (2) (a) applies for the purposes of the 1988 and subsequent taxation years and no notice under subsection (2a) is required.
- (2) Section 368b of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is amended by adding thereto the following subsection:

upon request

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- (3a) A direction under subsection (2) does not apply to a Direction city, separated town or separated township which has not requested that the direction be made unless,
  - (a) a direction has been made by the Minister of Revenue under subsection (7); and
  - (b) the city, separated town or separated township had requested a direction under subsection (2) before the direction was made under subsection (7).
- (3) Subsection 368b (13) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:
- (13) For purposes of subsection 24 (16) of the Assessment Taxation of Act, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which c. 31 clause (2) (a) applies shall be deemed to be an assessment update of all property within that local municipality under section 70 of the Assessment Act.

(13a) For purposes of subsection 24 (16a) of the Assessment Idem Act, changes made in the assessment roll of a local municipality under a direction of the Minister of Revenue to which clause (2) (b) applies shall be deemed to be an assessment update of all property within that local municipality under subsection 63 (3) of the Assessment Act.

- (4) Subsection 368b (15) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:
- (15) A direction to which clause (2) (a) applies or a regu-Retroactive lation made under clause (2) (b) may be made retroactive to regulation the 1st day of December of the year preceding the year in which it was made.

direction or

- 11. Subsection 368c (1) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 17, section 2, is repealed and the following substituted therefor:
- (1) Sections 368d to 368l apply where a different assess- Different ment of lands in a local municipality in the county has been assessment instituted pursuant to a direction of the Minister of Revenue throughout under subsection 368b (2).

the county

12.—(1) Subsection 19 (1) of the District Municipality of Muskoka Act, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other

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person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

- (2) Subsection 113 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Section 123 of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the sixth and seventh lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 13.—(1) Subsection 21 (1) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.
- (2) Subsection 253 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- 14.—(1) Subsection 22 (1) of the County of Oxford Act, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth and ninth lines.
- (2) Subsection 122 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 136 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 15.—(1) Subsection 21 (1) of the Regional Municipality of Durham Act, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

- (2) Subsection 134 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 152 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- (4) Subsection 153 (7) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second line and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 16.—(1) Subsection 21 (1) of the Regional Municipality of Haldimand-Norfolk Act, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.
- (2) Subsection 117 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 132 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- (4) Subsection 133 (4) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the fourth line and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 17.—(1) Subsection 21 (1) of the Regional Municipality of Halton Act, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.
- (2) Subsection 127 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".

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- (3) Subsection 141 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 18.—(1) Subsection 20 (1) of the Regional Municipality of Hamilton-Wentworth Act, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.
- (2) Subsection 139 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 154 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 19.—(1) Subsection 20 (1) of the Regional Municipality of Niagara Act, being chapter 438 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the ninth, tenth and eleventh lines.
- (2) Subsection 166 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 180 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- (4) Subsection 181 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982",
- (5) Subsection 182 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".

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20.—(1) Subsection 24 (1) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.

1988

- (2) Subsection 169 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- 21.—(1) Subsection 21 (1) of the Regional Municipality of Peel Act, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth and ninth lines.
- (2) Subsection 122 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 136 (2) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second and third lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 22.—(1) Subsection 20 (1) of the Regional Municipality of Sudbury Act, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the eighth, ninth and tenth lines.
- (2) Subsection 109 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Subsection 122 (1) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the sixth and seventh lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- 23.—(1) Subsection 20 (1) of the Regional Municipality of Waterloo Act, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the

issue thereof is authorized" in the eighth, ninth and tenth lines.

- (2) Subsection 157 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Section 172 of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the sixth and seventh lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- **24.**—(1) Subsection 20 (1) of the Regional Municipality of York Act, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by striking out "and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized" in the ninth and tenth lines.
- (2) Subsection 158 (2) of the said Act is amended by striking out "ratepayers of an area municipality assessed as owners and resident therein" in the fourth and fifth lines and inserting in lieu thereof "electors of the municipality".
- (3) Section 172 of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the sixth and seventh lines and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".
- (4) Subsection 173 (8) of the said Act is amended by striking out "Ministry of Culture and Recreation Act" in the second line and inserting in lieu thereof "Ministry of Tourism and Recreation Act, 1982".

Commencement 25. This Act comes into force on the day it receives Royal Assent.

Short title

26. The short title of this Act is the Municipal Statute Law Amendment Act, 1989.

1st SESSION, 34th LEGISLATURE, ONTARIO

Par 4. Cxm

# Bill 193

(Chapter 73 Statutes of Ontario, 1988)

### An Act to amend the Income Tax Act

The Hon. B. Grandmaître *Minister of Revenue* 

CLERK LEGISLATIVE ASSEMBLY

1st Reading November 29th, 1988

2nd Reading December 13th, 1988

3rd Reading December 14th, 1988

Royal Assent December 15th, 1988

LEGIOLATIVE ASSEMBLY

**Bill 193** 1988

#### An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Paragraph 15 of subsection 1 (1) of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
  - "individual" means a person other than a corporation and includes a trust referred to in subdivision k of Division B of Part I of the Federal Act.
- 2. Section 2b of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 40, section 1 and amended by the Statutes of Ontario, 1987, chapter 27, section 1, is repealed and the following substituted therefor:
- 2b. Every individual shall, in addition to the amount of tax Surcharge otherwise payable by the individual under this Act, pay an additional income tax in respect of the 1988 and subsequent taxation years equal to 10 per cent of the amount, if any, by which the tax that would be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$10,000.

- 3.—(1) Clause 3 (5) (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:
  - 50 per cent in respect of the 1986 and 1987 taxation years;
  - (m) 51 per cent in respect of the 1988 taxation year; and
  - (n) 52 per cent in respect of the 1989 and subsequent taxation years.

- (2) Clause 3 (6) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:
  - (a) "tax payable under the Federal Act" means the amount that, but for section 120 of the Federal Act, would be the tax payable by an individual under Part I of that Act for the taxation year in respect of which the expression is being applied, computed as if the individual were not entitled to a deduction under section 126, 127, 127.2 or 127.4 of that Act.
- (3) Subsection 3 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 46, section 2, is repealed.
- (4) Subsection 3 (8) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, 1985, chapter 12, section 2, 1986, chapter 40, section 2 and 1987, chapter 27, section 2, is repealed and the following substituted therefor:

Foreign tax credit

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- (8) An individual who resided in Ontario on the last day of a taxation year and had income for the year that included income earned in a country other than Canada in respect of which non-business-income tax was paid by the individual to the government of a country other than Canada may deduct from the tax payable by the individual under this Act for the taxation year the amount, if any, equal to the lesser of,
  - (a) the amount, if any, by which the non-business-income tax paid by the individual for the year to the government of the country other than Canada exceeds all amounts claimed by the individual as a deduction from tax under the Federal Act for the taxation year under subsections 126 (1) or 180.1 (1.1) of that Act or as the individual's special foreign tax credit determined under section 127.54 of that Act; or
  - (b) the amount, if any, determined by multiplying the amount of tax otherwise payable under this Act for the taxation year by the ratio of,
    - (i) where the taxation year commences before the 1st day of January, 1986, the amount determined under subparagraph 126 (1) (b) (i) of the Federal Act for the taxation year and, where the taxation year commences after the 31st day of December, 1985, the amount that would be determined under subparagraph 126 (1) (b) (i) of the Federal Act if the indi-

vidual deducts an amount under subsection 122.3 (1) of that Act for the taxation year,

to.

- (ii) the amount, if any, by which the individual's income earned in Ontario.
  - (A) for the taxation year, where section 114 of the Federal Act is not applicable to the individual for the taxation year, plus the amount, if any, added under subsection 110.4 (2) of the Federal Act in computing the individual's taxable income for the taxation year, and
  - (B) for the period or periods in the taxation year referred to in paragraph 114 (a) of the Federal Act, where section 114 of that Act is applicable to the individual for the taxation year,

exceeds,

- (C) the amount, if any, determined under subclause 126 (1) (b) (ii) (A) (III) of the Federal Act for the taxation year or in respect of the period or periods referred to in sub-subclause (B), as the case may be.
- (5) Clause 3 (9) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 50, section 2, is repealed and the following substituted therefor:
  - the expressions "tax payable" and "tax otherwise payable" mean the amount of tax calculated under this Act that would be payable but for sections 120.1, 121 and 122.3 of the Federal Act, before any deduction permitted under section 7.
- (6) Subsection 3 (10) of the said Act is repealed and the following substituted therefor:
- (10) A mutual fund trust that is entitled to a refund under Mutual fund section 132 of the Federal Act for a taxation year is entitled to receive, at the time and in the manner provided in section 132 of the Federal Act for the refund under that section, a capital gains refund for the taxation year equal to,

trust capital gains refund

- (a) where the mutual fund trust had no income earned in the taxation year outside Ontario, the product of the amount of the refund for the taxation year under section 132 of the Federal Act multiplied by the percentage referred to in subsection (5) to be used in computing the tax payable by the mutual fund trust under this section for the taxation year; or
- (b) where the mutual fund trust had income earned in the taxation year outside Ontario, that proportion of the amount that would be determined under clause (a), if all income earned in the taxation year by the mutual fund trust had been earned in Ontario, that the income earned by it in the taxation year in Ontario is of its total income for the taxation year.
- (7) Subsection 3 (10a) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 12, section 2, is repealed and the following substituted therefor:

Additional refund

- (10a) A mutual fund trust that is entitled to a capital gains refund for a taxation year under subsection (10) and that has paid or is liable for payment of an amount under section 2b for the taxation year is entitled to receive an additional refund for the taxation year equal to the lesser of,
  - (a) the amount paid or payable by the mutual fund trust under section 2b for the taxation year; and
  - (b) the amount determined by multiplying the mutual fund trust's capital gains refund for the taxation year calculated under subsection (10) by the percentage referred to in section 2b used in the determination of the amount paid or payable by the mutual fund trust under that section for the taxation year.
  - (8) Subsection 3 (11) of the said Act is repealed.
- (9) Subsection 3 (12) of the said Act is repealed and the following substituted therefor:

Application of refund

(12) Where a mutual fund trust is entitled to receive a refund under subsection (10) and is liable or is about to become liable to make any payment under this Act, the Minister may apply all or part of the amount that would otherwise be refunded under subsection (10), and under subsection (10a) if applicable, to the liability and pay to the mutual fund

trust the balance, if any, of the refund not so applied, and shall notify the mutual fund trust of the application of the amount of the refund not paid to the mutual fund trust.

- 4. Subsections 6 (1) and (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 2, are repealed and the following substituted therefor:
- (1) Where the tax otherwise payable by an individual under No tax this Act for a taxation year does not exceed the amount prescribed for the purpose of this subsection for the taxation year, no tax is payable under this Act by the individual for the taxation year.

(2) Where the tax otherwise payable by an individual under Tax this Act for a taxation year exceeds the amount prescribed for the purpose of subsection (1) for the taxation year, but is less than the amount prescribed for the purpose of this subsection for the taxation year, the tax payable under this Act may be reduced by an amount equal to the difference between twice the amount prescribed for the purpose of this subsection for the taxation year less twice the amount of tax otherwise payable under this Act for the taxation year.

reduction

(2a) For the purposes of this section, the amount pre-Amount scribed for the purpose of subsection (1) for the 1988 taxation for 1988 year is \$150 and the amount prescribed for the purpose of subsection (2) for the 1988 taxation year is \$225.

(2b) For the purposes of this section, "tax otherwise pay- Definition able" for a taxation year means the amount of tax payable under this Act for the taxation year after the deduction, if any, permitted by subsection 3 (8) and before any deduction permitted under section 7 or this section.

#### 5.—(1) Clause 7 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) "income" of a person for a taxation year means the amount equal to the sum of the person's taxable income for the taxation year and all amounts deducted by the person under Division C of Part I of the Federal Act in determining such taxable income, less any amounts added under Division C of Part I of the Federal Act in determining such taxable income:
- (ba) "individual" means a person, other than,
  - (i) a corporation,

- (ii) a trust or estate referred to in subdivision k of Division B of Part I of the Federal Act, or
- (iii) except for the purposes of subsection (6), a person who died in the taxation year or a person who is, on the 31st day of December in the taxation year,
  - (A) under the age of sixteen years,
  - (B) except for the purposes of subsection (2a), under the age of nineteen years and residing in the principal residence of another person who is making a deduction from tax, or whose spouse is making a deduction from tax, under paragraph 118 (1) (b) or (d) of the Federal Act for the taxation year in respect of the person,
  - (C) a person referred to in paragraph 149 (1) (a) or (b) of the Federal Act,
  - (D) a person, or a member of the family of a person, who is on active military service as a member of the armed forces of a country other than Canada and is not a Canadian citizen, or
  - (E) a person who, by virtue of an agreement, convention or tax treaty entered into by Canada and another country, is not required to pay tax under the Federal Act with respect to the taxation year.
- (2) Clause 7 (1) (d) of the said Act is amended by,
  - (a) striking out "principal taxpayer" in the second line of subclause (i), in the third and fourth lines of subsubclause (ii) A and in the second and third lines and in the fourth line of sub-subclause (ii) B and inserting in lieu thereof in each instance "individual"; and
  - (b) striking out "his spouse" in the third line of subclause (i), in the fourth line of sub-subclause (ii) A and in the fourth and fifth lines of sub-subclause (ii) B and inserting in lieu thereof in each instance "the individual's spouse".

- (3) Clause 7 (1) (e) of the said Act is repealed and the following substituted therefor:
  - "Ontario home ownership savings plan" means an (e) Ontario home ownership savings plan under the Ontario Home Ownership Savings Plan Act, 1988;

1988, c. 35

- (ea) "principal residence", in respect of an individual, means a housing unit in Ontario that was occupied by the individual during the taxation year as his or her primary place of residence and that is designated by the individual in the prescribed manner as the individual's principal residence for the taxation vear.
- (4) Clause 7 (1) (f) of the said Act, as amended by the Statues of Ontario, 1981, chapter 13, section 3 and 1987, chapter 27, section 4, is repealed and the following substituted therefor:
  - "qualifying contribution" made by an individual to (f) an Ontario home ownership savings plan means a contribution that is a qualifying contribution under the Ontario Home Ownership Savings Plan Act, 1988, c. 35 1988 and in respect of which a receipt in the prescribed form has been issued by the depositary of the plan and has been filed by the individual with the Minister.

- (5) Clause 7 (1) (k) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 50, section 3, is repealed and the following substituted therefor:
  - (k) "supporting person", in respect of an individual for a taxation year, means any person whose income is required by subparagraph 122.4 (3) (d) (iii) or (iv) of the Federal Act to be included in the amount determined under paragraph 122.4 (3) (d) of that Act for the purposes of determining the amount, if any, that is deemed by subsection 122.4 (3) of that Act to have been paid by the individual at the end of the taxation year on account of tax under Part I of that Act for the taxation year:
  - "tax payable" and "tax otherwise payable" mean (1) the amount of tax that would be payable under this Act if the tax were calculated without reference to sections 120.1, 121 and 122.3 of the Federal Act and this section.

(6) Section 7 of the said Act is amended by adding thereto the following subsection:

Adjusted income and qualifying adjusted income

- (1a) For the purposes of this section,
  - (a) the adjusted income of an individual for a taxation year is the aggregate of the income for the taxation year of,
    - (i) the individual,
    - (ii) the individual's spouse, if the individual was married at the end of the taxation year and resided with the spouse at the end of the taxation year, and
    - (iii) all supporting persons; and
  - (b) the qualifying adjusted income of an individual for a taxation year is,
    - (i) one-half of the individual's adjusted income for the taxation year where,
      - (A) the individual was married at the end of the taxation year and resided with his or her spouse on the 31st day of December in the taxation year,
      - (B) the income of a supporting person is required to be included in the individual's adjusted income for the taxation year under subclause (a) (iii), or
      - (C) the individual deducted and is entitled to deduct an amount under paragraph 118 (1) (b) of the Federal Act in computing tax payable under Part I of that Act for the taxation year, and
    - (ii) in any other case, the adjusted income of the individual for the taxation year.
- (7) Subsection 7 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 13, section 3 and amended by the Statutes of Ontario, 1987, chapter 27, section 4, is repealed and the following substituted therefor:
- tax (2) Subject to subsection (3), every individual resident in Ontario on the 31st day of December in a taxation year may

deduct from tax otherwise payable by the individual under this Act in respect of the taxation year the amount, if any, not in excess of \$1,000, by which the aggregate of the tax credits described in clauses (a) and (b) to which the individual is entitled exceeds the amount, if any, by which 2 per cent of the individual's adjusted income for the taxation year exceeds \$4,000, that is to say,

- (a) subject to subsection (2b), a property tax credit equal to the sum of,
  - (i) the lesser of the individual's occupancy cost for the taxation year and \$250, and
  - (ii) an amount equal to 10 per cent of the individual's occupancy cost for the taxation year; and
- (b) subject to subsection (2c), a sales tax credit equal to the aggregate of,
  - (i) \$100 in respect of the individual,
  - (ii) \$100 in respect of the individual's spouse or a supporting person, if,
    - (A) the spouse or the supporting person, whichever is applicable, and the individual resided together on the 31st day of December in the taxation year, and
    - (B) the spouse or the supporting person, whichever is applicable, was not at any time in the taxation year an eligible person under the Ontario Pensioners Prop- R.S.O. 1980, erty Tax Assistance Act, and

- (iii) \$50 in respect of every other person under the age of eighteen years at any time in the taxation year with respect to whom the individual, or the person referred to in subclause (ii), if applicable, has deducted and is entitled to deduct an amount under paragraph 118 (1) (b) or (d) of the Federal Act in the computation of tax payable under Part I of that Act for the taxation year.
- (2a) Subject to subsection (3), every individual resident in Ontario Ontario on the 31st day of December in a taxation year, whose qualifying adjusted income for the taxation year does not exceed \$40,000, may deduct from tax otherwise payable

ownership tax credit

under this Act in respect of the taxation year the amount, if any, equal to the product of,

- (a) the aggregate of,
  - (i) the lesser of \$2,000 and the total of all qualifying contributions made by the individual in the taxation year to an Ontario home ownership savings plan of which the individual is the planholder, and
  - (ii) where the individual is married at the end of the taxation year and resided on the 31st day of December in the taxation year with his or her spouse, the lesser of \$2,000 and the total of all qualifying contributions made by the spouse in the taxation year to an Ontario home ownership savings plan of which the spouse is the planholder; and
- (b) where the individual's qualifying adjusted income for the taxation year,
  - (i) does not exceed \$20,000, 25 per cent, or
  - (ii) exceeds \$20,000 but does not exceed \$40,000, the prescribed percentage.

Idem

(2b) In determining the amount of a property tax credit under clause (2) (a) for a taxation year, no amount may be claimed by an individual if the individual, or a spouse of the individual with whom the individual resided at the end of the taxation year or a supporting person with whom the individual resided at the end of the taxation year, was an eligible person under the *Ontario Pensioners Property Tax Assistance Act* at the end of the taxation year.

R.S.O. 1980, c. 352

(2c) In determining the amount of a sales tax credit under clause (2) (b) for a taxation year,

Idem

- (a) no amount may be claimed under clause (2) (b) by an individual who was at any time in the taxation year an eligible person under the *Ontario Pensioners Property Tax Assistance Act*; and
- (b) no amount in respect of a person shall be included if another individual has included an amount in respect of that person in determining the sales tax credit of that other individual for the taxation year.

- (8) Subsection 7 (3) of the said Act is repealed and the following substituted therefor:
  - (3) Where, on the 31st day of December in a taxation year,

Who claims tax credits

- (a) an individual is married and resides with his or her spouse, any deduction from tax of an amount by either or both of them under subsection (2) or (2a), or under both subsections, for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsections (2) and (2a) by either of them: or
- (b) an individual inhabits a principal residence with a supporting person, and not with a spouse, any deduction from tax of an amount by the individual or by the supporting person, or by both of them, under subsection (2) for the taxation year that would have been permitted but for this subsection shall be made by only one of them and shall include all amounts that would otherwise have been deductible from tax under subsection (2) by either of them.
- (9) Subsection 7 (4) of the said Act is repealed and the following substituted therefor:
- (4) Where, during a taxation year, the principal residence Deemed of an individual, or of the individual's spouse with whom the cost for individual resided on the 31st day of December in the taxation students year, is in a prescribed students' residence, the total occupancy cost for the individual, for the individual's spouse or for both of them if they each had such a principal residence, is \$25.

occupancy

- (10) Subsection 7 (7) of the said Act is amended by striking out "subsection (2)" in the second line and inserting in lieu thereof "this section".
- (11) Subsection 7 (8) of the said Act is repealed and the following substituted therefor:
- (8) An individual who has inhabited more than one princi- Occupancy pal residence in a taxation year shall, in calculating his or her occupancy cost, take into account only that portion of his or principal her total occupancy cost in the taxation year for each principal residence that is in the same ratio to his or her total occupancy cost in the taxation year for that principal residence as

cost for two residences

the number of days in the taxation year that the individual inhabited that principal residence is to the number of days for which such occupancy cost was paid for that principal residence, but no individual shall claim an occupancy cost for more than one principal residence during the same period of time.

(12) Subsection 7 (9) of the said Act is repealed and the following substituted therefor:

Joint occupation

R.S.O. 1980,

c. 352

(9) Where an individual inhabits a principal residence in a taxation year with another person who is entitled under this section to deduct an amount under subsection (2) in respect thereof, or who is entitled to a grant under section 2 of the Ontario Pensioners Property Tax Assistance Act in respect thereof, the occupancy cost of the principal residence shall be allocated to each of them according to the beneficial ownership of each of them in the principal residence or according to the portion of the rent for the principal residence that was paid in respect of the occupation thereof by each of them in the taxation year, as the case may be.

Idem

- (9a) For the purposes of subsection (9), an individual who, by reason of subsection (3), deducts an amount referred to in clause (2) (a) in respect of another person shall be deemed,
  - (a) to have beneficial ownership in the principal residence equal to the total beneficial ownership held by both of them; and
  - (b) to have paid rent for the principal residence in respect of the occupation thereof in the taxation year equal to the total rent paid by both of them in respect of the occupation of the principal residence in the taxation year.
- (13) Subsection 7 (10) of the said Act is repealed and the following substituted therefor:

Inputed rent

(10) Where an individual, or a person in respect of whom the individual deducts an amount referred to in clause (2) (a) for the taxation year by reason of subsection (3), instead of paying full rent for the occupation of a principal residence that is not owned by either of them, furnishes work or services to the owner or lessee of the principal residence, the value of the benefit received from paying less than full rent may, for the purposes of determining occupancy cost, be included in the rent paid in respect of the principal residence to the extent that the value of the benefit is included in the income for the taxation year of the person who furnished the work or ser-

vices, for the purpose of determining tax payable under Part I of the Federal Act for the taxation year.

- (14) Subsection 7 (11) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed.
- (15) Subsection 7 (11a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:
- (11a) Despite clause (1) (d) and subsection (2b), where, in Separation in a taxation year, an individual separates from his or her spouse who, on the 31st day of December in the taxation year, is an eligible person, as defined in the Ontario Pensioners Property R.S.O. 1980, Tax Assistance Act, pursuant to a separation agreement as that term is defined in that Act, the individual shall be deemed to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year subsequent to the separation.

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- (16) Subsection 7 (11b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 3, is repealed and the following substituted therefor:
- (11b) Despite subsection (2b), where, in a taxation year, an Marriage in individual marries a person who, on the 31st day of December in the taxation year, is an eligible person, as defined in the Ontario Pensioners Property Tax Assistance Act, the individual shall be deemed for the purposes of subsection (2) to have an occupancy cost for the taxation year equal to that portion of his or her occupancy cost otherwise determined that is attributable only to the portion of the taxation year prior to the marriage and which has not been included in the occupancy cost of the spouse or a previous spouse for the purposes of a claim for a grant under section 2 of the Ontario Pension- R.S.O. 1980, ers Property Tax Assistance Act.

- (17) Subsection 7 (12) of the said Act is amended by striking out "subsections (2) and (6)" in the sixth line of clause (a) and in the first line of clause (b) and inserting in lieu thereof in each instance "this section".
- (18) Subsection 7 (13) of the said Act, as amended by the Statutes of Ontario, 1986, chapter 40, section 3, is repealed and the following substituted therefor:
- (13) Where an individual makes a claim to the Minister not Limitation more than three years after the end of the taxation year to which the claim relates that the individual is entitled to a

deduction or an additional deduction under this section for a taxation year in excess of the amount of any deduction under this section previously allowed to the individual for the taxation year, the Minister may allow the deduction or additional deduction claimed by the individual if the Minister is satisfied that the individual is entitled to the deduction or additional deduction under this section for the taxation year, and the Treasurer shall apply the amount of any deduction or additional deduction allowed by the Minister in the manner described in subsection (7).

### 6. Section 9 of the said Act is amended by adding thereto the following subsection:

Tax tables

- (2) Where an individual pays tax for a taxation year under the Federal Act computed in accordance with subsection 117 (6) of that Act, the individual may pay as tax under this Act for the taxation year, in lieu of the tax otherwise determined under this Act, the amount determined by reference to a table prepared in accordance with prescribed rules.
- 7. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6, 1985, chapter 12, section 8 and 1986, chapter 40, section 6, is further amended by adding thereto the following subsections:

Compound

(8) Interest computed under any of subsections 16 (1), (2) and (9), 19 (3), (3a) and (4) and 36 (6) and (7) shall be compounded daily, and, where interest is computed on an amount under any of those subsections and is unpaid on the day it would, but for this subsection, have ceased to be computed under that subsection, interest at the rate provided by that subsection shall be computed and compounded daily on the unpaid interest from that day to the day it is paid.

Interest on unpaid penalties

- (9) Where a taxpayer is required under this Act to pay a penalty and fails to pay all or part thereof as required, the taxpayer shall pay to the Treasurer interest at the rate prescribed for the purposes of subsection 161 (11) of the Federal Act on the amount the taxpayer failed to pay computed,
  - (a) in the case of a penalty payable under subsection 17 (1), (2) or (3) or 18 (1) or (3), from the day on or before which the taxpayer's return of income for the taxation year in respect of which the penalty is payable was, or would have been if tax under this Act were payable by the taxpayer for the year, required to be filed to the day of payment; and

- (b) in the case of a penalty payable under any other provision of this Act, from the day of mailing of the notice of original assessment of the penalty to the day of payment.
- 8.—(1) Clause 21 (2) (d) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 13, section 4, is repealed and the following substituted therefor:
  - (d) any deduction under section 7.
- (2) Subsection 21 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 4, is further amended by adding "or" at the end of clause (e) and by adding thereto the following clause:
  - (f) the liability of a director to pay an amount under section 36a.
- 9. Section 28 of the said Act is amended by adding thereto the following subsections:
- (2) Where a remission referred to in subsection (1) has Idem been granted to an individual under the Financial Administration Act (Canada) in respect of a taxation year, the Provincial Minister may, by order, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation vear when the claim is made more than three years after the end of the taxation year to which the claim relates, if the Provincial Minister considers the allowance of the deduction, or the additional deduction, to be in the public interest or for the relief of undue hardship.

R.S.C. 1970,

(3) Where no remission referred to in subsection (1) has Idem been granted to an individual under the Financial Administra- R.S.C. 1970, tion Act (Canada) in respect of a taxation year, the Lieutenant Governor in Council, on the recommendation of the Provincial Minister, may, if he or she considers it in the public interest or for the relief of undue hardship, authorize the acceptance by the Minister of a claim from the individual for a deduction or an additional deduction under section 7 in respect of the taxation year, notwithstanding that the claim is made more than three years after the end of the taxation year to which the claim relates.

#### COMPLEMENTARY AMENDMENT

10. Section 3 of the *Ontario Home Ownership Savings Plan Act*, 1988, being chapter 35, is amended by adding thereto the following subsection:

Subsequent marriage

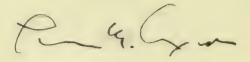
- (4) Where a planholder of an Ontario home ownership savings plan marries during a calendar year after having made a contribution to the plan during the calendar year, the spouse of the planholder shall be deemed, for the purposes of determining whether the contribution made prior to the marriage is a qualifying contribution, not to have owned an interest in an eligible home if,
  - (a) the spouse owned no interest in the eligible home at the time of the marriage; or
  - (b) the marriage occurred after the date on which the planholder acquired an interest in a qualifying eligible home in respect of which the assets of the planholder's plan were released under section 5.

Commencement and application

- 11.—(1) This Act, except sections 2 to 7, 9 and 10, comes into force on the day it receives Royal Assent.
- (2) Subsection 3 (5) of this Act shall be deemed to have come into force on the 1st day of January, 1984, and applies with respect to taxation years ending after the 31st day of December, 1983.
- (3) Subsections 3 (2) and (4) of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984, except that in the application of clause 3 (8) (a) of the said Act, as re-enacted by subsection 3 (4) of this Act, the reference to subsection 180.1 (1.1) of the Federal Act shall be deemed to have come into force on the 1st day of January, 1987, and apply with respect to taxation years ending after the 31st day of December, 1986.
- (4) Subsections 3 (3), (6) and (8) and section 6 of this Act shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to taxation years ending after the 31st day of December, 1984.
- (5) Subsections 3 (7) and (9) of this Act shall be deemed to have come into force on the 1st day of January, 1986, and apply with respect to taxation years ending after the 31st day of December, 1985.

- (6) Section 7 of this Act shall be deemed to have come into force on the 1st day of January, 1987, and applies to interest accrued as of the 31st day of December, 1986 and to the period after the 31st day of December, 1986 with respect to penalties that are imposed after the 31st day of December, 1986 or that are imposed before the 1st day of January, 1987 and remain unpaid after the 31st day of December, 1986.
- (7) Section 2 and subsection 3 (1) of this Act shall be deemed to have come into force on the 1st day of January, 1988.
- (8) Sections 4 and 5 of this Act shall be deemed to have come into force on the 1st day of January, 1988, and apply to taxation years ending after the 31st day of December, 1987.
- (9) Section 10 of this Act shall be deemed to have come into force on the 8th day of June, 1988.
- (10) Section 9 of this Act comes into force on the day this Act receives Royal Assent, and applies with respect to claims made in respect of taxation years ending before or after the day this Act receives Royal Assent.
- 12. The short title of this Act is the Income Tax Amendment Short title Act, 1988.





### Bill 196

(Chapter 74 Statutes of Ontario, 1988)

#### An Act to amend the Psychologists Registration Act

The Hon. E. Caplan Minister of Health

CLERK
LEGISLATIVE ASSEMBLY

1st Reading December 8th, 1988

2nd Reading December 14th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



Bill 196 1988

#### An Act to amend the Psychologists Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 2 of the *Psychologists Registration Act*, being chapter 404 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:
- **2.**—(1) The board known as the Ontario Board of Board Examiners in Psychology is continued.
  - (2) The Board shall be composed of,

Composition

- (a) seven registered psychologists appointed by the Lieutenant Governor in Council, of whom not fewer than two and not more than three shall hold a full-time appointment in a Department of Psychology in a university acceptable to the Board; and
- (b) three persons appointed by the Lieutenant Governor in Council who are neither registered under this Act nor registered or licensed under any other Act governing a health practice.
- (3) The members of the Board shall be appointed for a Term term not exceeding three years and may be reappointed for further terms.
- (4) The members of the Board appointed under clause Remuner-(2) (b) shall be paid expenses and remuneration as determined by the Lieutenant Governor in Council out of moneys appropriated therefor by the Legislature.
- 2. Section 4 of the said Act is repealed and the following substituted therefor:
- **4.** Three members of the Board, one of whom is a person Quorum appointed under clause 2 (2) (b), constitute a quorum.

- 3. Clause 5 (a) of the said Act is repealed and the following substituted therefor:
  - (a) prescribing the remuneration of the members of the Board appointed under clause 2 (2) (a) and providing for the payment of necessary expenses of the Board in the conduct of its business.

Commence-

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Psychologists Registration Amendment Act, 1988.

Page, Cy.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

### Bill 197

(Chapter 12 Statutes of Ontario, 1989)

# An Act to amend the Regional Municipality of Sudbury Act

The Hon. J. Eakins

Minister of Municipal Affairs

CLERK
LEGISLATIVE ASSEMBLY

1st Reading December 12th, 1988

2nd Reading February 21st, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill 197 1988

# An Act to amend the Regional Municipality of Sudbury Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 74 (5) of the Regional Municipality of Sudbury Act, being chapter 441 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is repealed.
- (2) Subsection 74 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 19, section 1, is amended by striking out "subsections (5) and (6)" in the first line and inserting in lieu thereof "subsection (6)".
- 2. This Act shall be deemed to have come into force on the Commencement 1st day of January, 1988.
- 3. The short title of this Act is the Regional Municipality of Short title Sudbury Amendment Act, 1989.

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1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

### Bill 199

(Chapter 13 Statutes of Ontario, 1989)

An Act to amend The Ryerson Polytechnical Institute Act, 1977

The Hon. L. McLeod

Minister of Colleges and Universities

CLERK LEGISLATIVE ASSEMBLY

1st Reading December 14th, 1988

2nd Reading January 11th, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill 199 1988

#### An Act to amend The Ryerson Polytechnical Institute Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause 10 (h) of *The Ryerson Polytechnical Institute Act*, 1977, being chapter 47, is repealed and the following substituted therefor:
  - (h) to grant bachelor of applied arts, bachelor of technology, bachelor of business management and such other baccalaureate degrees as may be prescribed by the regulations made under this Act; and
- 2. The said Act is amended by adding thereto the following section:
- 17a. The Lieutenant Governor in Council may make regulations prescribing degrees that may be granted by the Academic Council.
- 3. This Act comes into force on the day it receives Royal Commencement
- 4. The short title of this Act is the Ryerson Polytechnical Short title Institute Amendment Act, 1989.



37 ELIZABETH II, 1989

## Bill 203

(Chapter 14 Statutes of Ontario, 1989)

An Act to amend certain Acts as they relate to the Law Society

The Hon. I. Scott

Attorney General

CLERK
LEGISLATIVE ASSEMBLY

1st Reading January 23rd, 1989

2nd Reading February 14th, 1989

3rd Reading February 23rd, 1989
Royal Assent February 27th, 1989

Bill 203 mond and the property

1989

#### An Act to amend certain Acts as they relate to the Law Society

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause 28 (b) of the Law Society Act, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".
- (2) Clause 28 (c) of the said Act is amended by striking out "other British subjects" in the first and second lines and inserting in lieu thereof "permanent residents of Canada".
- (3) Subsection 32 (1) of the said Act is amended by striking out "other British subject" in the second line and inserting in lieu thereof "a permanent resident of Canada".
- (4) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:
- (2) Any member who is not a Canadian citizen or a per-Transition re manent resident of Canada on the 1st day of July, 1989 ceases subjects to be a member on that day.

(3) Any person whose membership is terminated under Readmission subsection (1) or (2) may, upon becoming a Canadian citizen or a permanent resident of Canada, make application for readmission as a member and Convocation may readmit the person.

2. Subsections 25 (2), (3), (4) and (5) of the Equality Rights Statute Law Amendment Act, 1986, being chapter 64, are repealed.

Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of July, 1989.

Short title

4. The short title of this Act is the Law Society Amendment Act, 1989.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1989

### **Bill 212**

(Chapter 19 Statutes of Ontario, 1989)

#### An Act to amend the Legislative Assembly Act

The Hon. S. Conway

Government House Leader and Minister of Mines

CLERK
LEGISLATIVE ASSEMBLY

1st Reading February 1st, 1989

2nd Reading March 2nd, 1989

3rd Reading March 2nd, 1989

Royal Assent March 2nd, 1989



**Bill 212** 1989

#### An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 60 (1) and (2) of the Legislative Assembly Act, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 1, are repealed and the following substituted therefor:
- (1) An indemnity at the rate of \$41,113 per annum shall be Members' paid to every member of the Assembly.

indemnities

(2) An allowance for expenses at the rate of \$13,790 shall Members' be paid to every member of the Assembly.

allowances

- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 2, is repealed and the following substituted therefor:
- 61. In addition to the indemnity and allowance for expen- Leaders' ses as a member, there shall be paid a Leader's allowance for expenses,

allowances

- to the Premier, at the rate of \$7,758 per annum;
- (b) to the Leader of the Opposition, at the rate of \$5,173 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,586 per annum.
- 3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

- (1) In addition to the indemnity as a member, there shall be paid,
  - (a) to the Speaker an indemnity at the rate of \$22,214 per annum;
  - (b) to the Leader of the Opposition an indemnity at the rate of \$30,094 per annum; and
  - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of \$15,110.
- 4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 4, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$9,297 per annum;
  - (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$6,458 per annum; and
  - (c) to the chairman of each standing committee at the rate of \$5,036 per annum.
- 5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 5, is repealed and the following substituted therefor:

Whips, indemnities

- (1) In addition to the indemnity as a member, an indemnity shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$11,495 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$7,878 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$5,682 per annum;
  - (d) to the Chief Opposition Whip, at the rate of \$7,878 per annum;

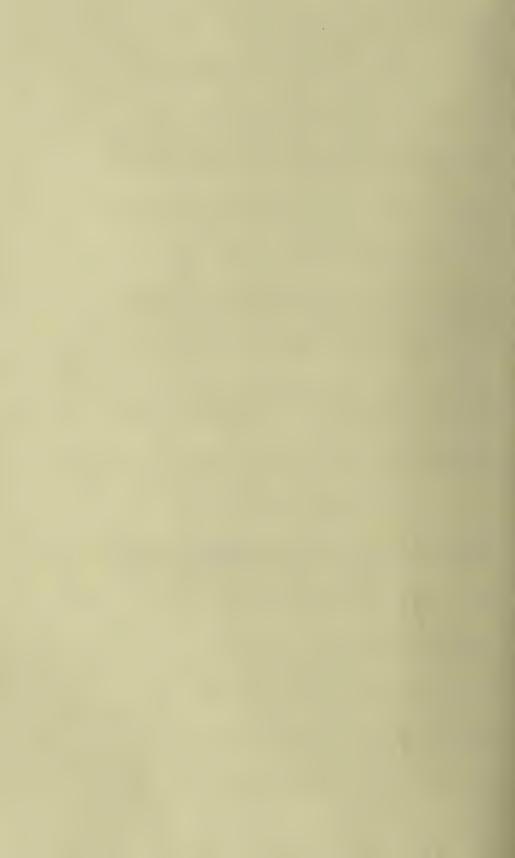
- (e) to each of not more than two Opposition Whips, at the rate of \$5,682 per annum; and
- in the case of each party that has a recognized (f) membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
  - (i) to the Chief Party Whip of the party, at the rate of \$6,458 per annum, and
  - (ii) to the Party Whip of the party, at the rate of \$5,166 per annum.
- 6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1988, chapter 14, section 6, is further amended by striking out "\$71" as set out in the amendment of 1988 and inserting in lieu thereof "\$74" and by striking out "\$82" as set out in that amendment and inserting in lieu thereof "\$86".
- 7. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1988, chapter 14, section 7, is repealed and the following substituted therefor:
- 69. In addition to the indemnity as a member, an indem-House nity shall be paid,

indemnities

- (a) to the Opposition House Leader, at the rate of \$11,495 per annum;
- (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$8,652 per annum.
- 8. This Act shall be deemed to have come into force on the Commencement 1st day of April, 1988.
- 9. The short title of this Act is the Legislative Assembly Short title Amendment Act, 1989.







1ST SESSION, 34TH LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1989

**Bill 213** 

(Chapter 20 Statutes of Ontario, 1989)

### An Act to amend the Executive Council Act

The Hon. S. Conway

Government House Leader and Minister of Mines

CLERK LEGISLATIVE ASSEMBLY

1st Reading February 1st, 1989

2nd Reading March 2nd, 1989

3rd Reading March 2nd, 1989

Royal Assent March 2nd, 1989



Bill 213 1989

#### An Act to amend the Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 3 (1), (2), (3) and (4) of the Executive Council Act, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1988, chapter 15, section 1, are repealed and the following substituted therefor:
- (1) The annual salary of every minister with portfolio is Salaries \$30,094.
- (2) The Premier and President of the Council shall receive, in addition, \$12,788 per annum.

  Additional salary for Premier
- (3) The annual salary of every minister without portfolio is Salary of minister without portfolio portfolio
- (4) The annual salary of every Parliamentary Assistant is Salary of Parliamentary Assistant is \$9,297.
- 2. This Act shall be deemed to have come into force on the Commence-1st day of April, 1988.
- 3. The short title of this Act is the Executive Council Short title Amendment Act, 1989.

1st SESSION, 34th LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill 223

(Chapter 21 Statutes of Ontario, 1989)

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1989

The Hon. R. Nixon

Treasurer of Ontario and Minister of Economics

LEGISLATIVE ASSEMBLY

1st Reading March 2nd, 1989

2nd Reading March 2nd, 1989

March 2nd, 1989 3rd Reading

Royal Assent March 2nd, 1989



**Bill 223** 1989

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1989

#### MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1989; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Reve-Supply nue Fund a sum not exceeding in the whole \$34,103,741,677 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1988, to the 31st day of March, 1989, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

granted for 1988-89

(2) Where, in the fiscal year ending the 31st day of March, Exception 1989, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

**2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement **3.** This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the Supply Act, 1989.

SCHEDULE

		CURRI CURRIA DU	
		SUPPLEMENTARY	
	ESTIMATES	ESTIMATES	TOTAL
	\$	\$	\$
Agriculture and Food	540,152,500		540,152,500
Assembly, Office of the	79,674,100	2,728,900	82,403,000
Attorney General	395,549,300	1,477,400	397,026,700
Cabinet Office	8,985,600	1,477,400	
Chief Election Officer, Office of the	618,600		8,985,600
			618,600
Citizenship	45,444,800	the set reserve to se	. 45,444,800
Colleges and Universities	2,566,657,100		2,566,657,100
Community and Social Services	4,263,842,200		4,263,842,200
Consumer and Commercial Relations	147,333,900		147,333,900
Correctional Services	394,268,400		394,268,400
Culture and Communications	251,909,500	1,096,700	253,006,200
Disabled Persons, Office for	7,638,600		7,638,600
Education	4,299,641,300	300,000,000	4,599,641,300
Energy	44,023,900	171 +	44,023,900
Environment	442,447,400	7,000,000	449,447,400
Financial Institutions	32,618,000	3,258,100	35,876,100
Government Services	637,082,700	10,000	637,092,700
Health	12,660,423,100		12,660,423,100
Housing	440,734,500	2,592,000	443,326,500
Industry, Trade and Technology	185,860,100	4,098,000	189,958,100
Intergovernmental Affairs	8,567,900	3 . 1337 7 777	8,567,900
Labour	120,054,300		. 120,054,300
Lieutenant Governor, Office of the	529,400	12 11 12 12 12 12	529,400
Management Board	243,738,900		243,738,900
Municipal Affairs	976,915,100		976,915,100
Native Affairs, Office Responsible for	4,884,100		4,884,100
Natural Resources	542,528,800	2,000,000	
Northern Development and Mines		2,000,000	544,528,800
Ombudemen Office of the	303,233,100	and the second to the second	303,233,100
Ombudsman, Office of the	7,122,700		7,122,700
Premier, Office of the	2,115,600		2,115,600
Provincial Auditor, Office of the	6,923,000		6,923,000
Revenue	810,283,300		810,283,300
Senior Citizens Affairs, Office			
Responsible for	9,283,600		9,283,600
Skills Development	406,299,500		406,299,500
Solicitor General	427,888,400		427,888,400
Tourism and Recreation	191,478,700		191,478,700
Transportation	2,059,200,077	13,500,000	2,072,700,077
Treasury and Economics	182,498,900	7	182,498,900
Women's Issues, Office Responsible for	17,529,600		17,529,600
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## Bill Pr2

(Chapter Pr12 Statutes of Ontario, 1988)

## An Act to revive Big Cedar Association

Mr. Owen

CLERK

CLERK LEGISLATIVE ASSEMBLY

1st Reading February 8th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act to revive Big Cedar Association

Whereas Barbara Carrick, E.W. Maindonald, Mary Dame, Preamble Bruce Bone, David Stinson, Edwin Otten, E.F. Potma, David Abernethy, Brian Peterkin, Katherine Lloyd, Joel Ross and Edward Harris hereby represent that Big Cedar Association, herein called the Corporation, was incorporated by letters patent dated the 8th day of June, 1922; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982, and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicants are executive members and directors of the ongoing organization carried on in the name of the Corporation; that the default occurred by reason of inadvertence; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the recreational functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Big Cedar Association is hereby revived and is, subject Revival to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Big Cedar Association Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

P145.

36 ELIZABETH II, 1987

Bill Pr4

(Chapter Pr1 Statutes of Ontario, 1989)

# An Act respecting The Ottawa Civil Service Recreational Association

Mr. Chiarelli

CLERK LEGISLATIVE ASSEMBLY

1st Reading November 16th, 1987

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



#### An Act respecting The Ottawa Civil Service Recreational Association

Whereas The Ottawa Civil Service Recreational Association, Preamble herein called the Association, hereby represents that it was incorporated as a corporation without share capital by letters patent dated the 8th day of January, 1941; that the Association has a leasehold interest in certain lands and premises known municipally as 2451 Riverside Drive in the City of Ottawa in The Regional Municipality of Ottawa-Carleton, and more particularly described in the Schedule hereto, in which and on which it operates certain facilities and recreational and cultural programs for the benefit of the federal public service employees in general and more particularly for the federal public service employees of the City of Ottawa and for other residents of the City of Ottawa; that it is desirable that the real property and leasehold interests of the Association be partially exempted from taxation for municipal and school purposes, other than local improvement rates, to the extent that the lands, premises and facilities are used for cultural or recreational purposes; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Ottawa may pass by-laws partially exempting the land, as defined in the Assessment Act, being the land and premises R.S.O. 1980, described in the Schedule, or any portion thereof, from taxes for municipal and school purposes, other than local improvement rates, so long as the exempted land is owned or leased by the Association and occupied and used solely for a cultural or recreational purpose of the Association that the council of The Corporation of the City of Ottawa considers to be a benefit to The Corporation of the City of Ottawa.

exemption

Restriction

(2) No exemption shall be granted under subsection (1) in respect of land that is used for a commercial purpose, even if that commercial purpose has a cultural or recreational aspect to it.

Conditions

(3) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Retroactive by-law 2. A by-law passed under section 1 may be retroactive to the 1st day of January, 1989.

Deemed exemption R.S.O. 1980, cc. 439, 31

**3.** For the purposes of subsection 121 (10) of the *Regional Municipality of Ottawa-Carleton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Repeal

**4.** The Ottawa Civil Service Recreational Association Act, 1960-61, being chapter 121, is repealed.

Commencement 5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the Ottawa Civil Service Recreational Association Act, 1989.

#### **SCHEDULE**

The land and premises in the Township of Gloucester (now within the limits of the City of Ottawa) in the County of Carleton being composed of part of lots 19 and 20, Junction Gore of the said Township of Gloucester and more particularly described as follows:

PREMISING that the partition line, as described in Instrument No. 23936, and dividing that part of Lot 19, formerly owned by Hugh Braddish Billings, from that part of said Lot formerly owned by Charles M. Billings, has a bearing of north 84 degrees 22 minutes 53 seconds east, and relating all bearings herein thereto.

COMMENCING at the intersection of the division line between lots 19 and 20, Junction Gore, with the northeasterly boundary of that part of Lot 19 described in Instrument No. 39625 and being now the property of the Federal District Commission;

THENCE south 31 degrees 21 minutes east and following the southeasterly prolongation of the northeasterly boundary of that part of Lot 19, 111.21 feet, more or less, to a point in a line drawn parallel with the division line between lots 19 and 20, Junction Gore, at a distance of 100 feet measured southerly therefrom and at right angles thereto;

THENCE north 84 degrees 35 minutes 53 seconds east, and following the said parallel line, 790 feet, more or less, to a point in a line drawn at right angles with the southerly boundary of Lot 19 and passing through a point in the said division line between the north and south halves of Lot 19, distant 250 feet measured westerly from the southeast angle of the lands described in Instrument No. 29128;

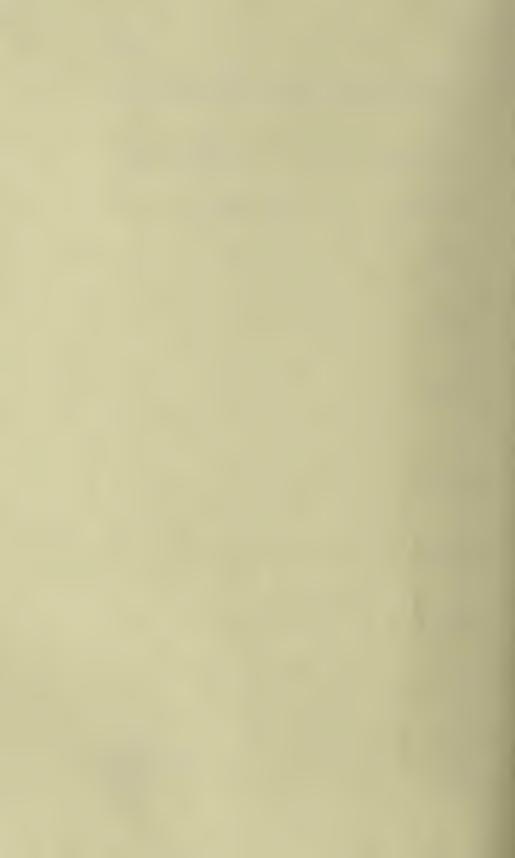
THENCE north 5 degrees 24 minutes 07 seconds west and at right angles to the southerly boundary of Lot 19, 1,290 feet, more or less, to the southeasterly boundary of that part of Lot 19 described in Instrument No. 6495 and owned by the Federal District Commission;

THENCE southwesterly and following the southeasterly boundary of Instrument No. 6495, 1,312 feet, more or less, to its intersection with the northeasterly boundary of that part of Lot 19 described in Instrument No. 39625;

THENCE south 31 degrees 21 minutes east and following the northeasterly boundary of that part of Lot 19 described in Instrument No. 39625, 369 feet, more or less, to the point of commencement.







for 4. Cy or

## Bill Pr5

(Chapter Pr13 Statutes of Ontario, 1988)

## An Act respecting The Chartered Institute of Marketing Management of Ontario

Ms Hart

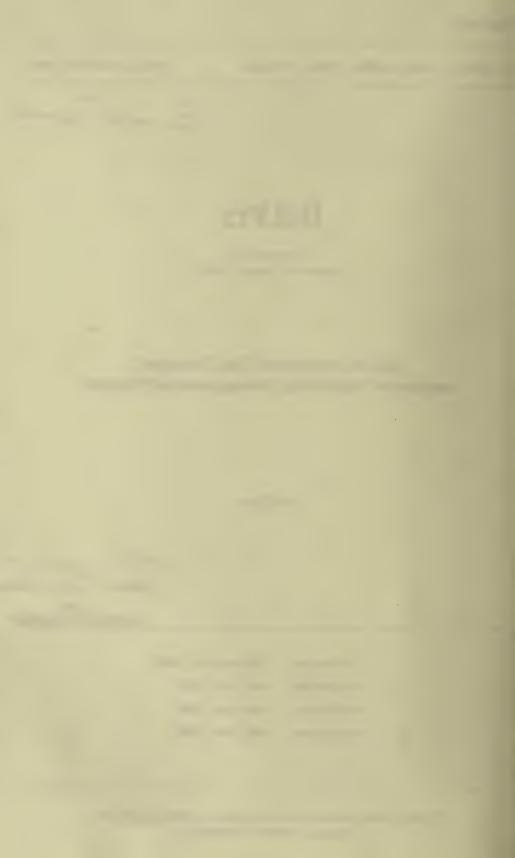
CLERK
LEGISLATIVE ASSEMBLY

1st Reading February 8th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1988

### An Act respecting The Chartered **Institute of Marketing Management of Ontario**

Whereas The Canadian Institute of Marketing/L'Institut Preamble Canadien du Marketing hereby represents that it was incorporated under the laws of Canada by letters patent dated the 19th day of May, 1983 and that it is desirous of creating a provincial institute to be known as The Chartered Institute of Marketing Management of Ontario, herein called the Institute, for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to grant to the members of the Institute the right to use the initials "M.C.Inst.M." or "AM.C.Inst.M." to indicate that the person is a member or associate member, respectively, of the Institute and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

"board" means the board of directors of the Institute;

"registered" means registered as a member under this Act, and "registration" has a corresponding meaning.

2. The persons resident in Ontario who are members of Institute The Canadian Institute of Marketing/L'Institut Canadien du Marketing on the day this Act comes into force and such other persons as become members of the Institute are constituted a body corporate without share capital under the name of "The Chartered Institute of Marketing Management of Ontario".

incorporated

3. The first board and officers of the Institute shall be First those persons named in the Schedule and they shall hold

office until their successors are appointed or elected in accordance with this Act and the by-laws.

Objects

- 4. The objects of the Institute are,
  - (a) to furnish the means and facilities by which members and students of the Institute may increase their knowledge, skill and efficiency in all things related to the business or profession of marketing;
  - (b) to hold examinations and prescribe tests of competency to qualify for admission to membership in the Institute; and
  - (c) to maintain discipline among members and students of the Institute.

Board of directors

5.—(1) The affairs of the Institute shall be managed by a board of directors that shall consist of not fewer than five or more than thirty-five members of the Institute, as the board may from time to time determine, elected from the membership to the Institute.

Idem

(2) Notwithstanding subsection (1), the Institute may by by-law provide for the appointment to the board of up to two persons who are not members of the Institute.

Matters covered by by-laws (3) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be as set out in the by-laws.

Quorum

**6.** At any meeting of the board, a majority of the members of the board constitutes a quorum.

Chairman, etc.

7. The board shall elect from its number a chairman and vice-chairman and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be members of the board.

Vacancies

8. In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term and, for the purposes of this section, absence from three consecutive meetings of the board may be treated by the board as incapacity.

- 9. The board shall appoint a registrar, who need not be a Registrar member of the board, and the registrar shall perform the functions assigned to him or her by this Act and such other duties as may be assigned by the board.
- 10. At any general or special meeting, members of the Proxies Institute may be represented by proxy and members may vote by proxy, but,
  - (a) no proxy shall be exercised by a person who is not a member of the Institute; and
  - (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.
- 11. The board may pass by-laws regarding such matters as By-laws are necessary to conduct the business and carry out the objects of the Institute, and without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the board may pass by-laws,

- prescribing the qualifications for and conditions of registration of members;
- prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Institute shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) regulating and governing the conduct of members of the Institute in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Institute;
- governing the calling, holding and conducting of meetings of the board and of the members of the Institute:
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Institute or the families of deceased members of the Institute who may require financial assistance and, for that purpose, providing for the receipt of

contributions or donations and for contributions from the funds of the Institute; and

(g) authorizing the making of grants for any purpose that may tend to advance marketing knowledge and education, or improve standards of practice in the Institute or support and encourage public information and interest in the past and present role of the Institute in society.

Confirmation of by-laws

12. Every by-law or change to an existing by-law is effective when it is passed by the board but expires with the close of the next annual meeting of the members of the Institute held after its passing, unless it is confirmed at that meeting.

Inspection of by-laws

13. The by-laws of the Institute shall be open to examination by the public at the head office of the Institute during normal office hours.

Membership

- 14. The Institute shall grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,
  - (a) is of good character;
  - (b) is not less than eighteen years of age;
  - (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
  - (d) has passed such examinations as the board may set or approve in accordance with the by-laws.

Designation

15.—(1) Every registered member of the Institute may use after the member's name the initials "M.C.Inst.M." or "AM.C.Inst.M." indicating that the person is a registered member or associate member, respectively, of the Institute.

Offence

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses the initials "M.C.Inst.M." or "AM.C.Inst.M." or any word, name, title, initial or designation that implies or suggests that that person is a registered member or associate member of the Institute is guilty of an offence.

Register

16.—(1) The registrar of the Institute shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered

are members entitled to the privileges of membership in the Institute.

(2) The register shall be open to examination by the public Inspection of at the head office of the Institute during normal office hours.

register

17.—(1) An individual who is qualified for membership in Appeals the Institute and who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal to grant membership or from the sanction.

(2) Upon the request of a party desiring to appeal to the Record Divisional Court and upon payment of a reasonable fee therefor, the registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

**18.**—(1) In every case where registration is an issue, the Evidence production of a copy of the register, certified under the hand of the registrar of the Institute, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in the capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of the person's signature or of that person being the registrar.

- (2) The absence of the name of any person from a copy of Idem the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered.
- 19. This Act does not affect or interfere with the right of Right to any person who is not a member of the Institute to practice as unaffected a marketer in the Province of Ontario.
- 20. Any surplus derived from carrying on the affairs and Surplus business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.
- 21. This Act comes into force on the day it receives Royal Commence-Assent.
- 22. The short title of this Act is the Chartered Institute of Short title Marketing Management of Ontario Act, 1988.

#### **SCHEDULE**

Peter Brunner

David N. Fenn

Patrick G. Field

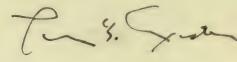
James H. Jarrett

William C. Johnston

Peter L. Schwartz

Leonard G. Weeks

Peter T. Zarry



(Chapter Pr47 Statutes of Ontario, 1988)

## An Act respecting the City of Ottawa

Mr. Morin

CLERK
LEGISLATIVE ASSEMBLY

1st Reading October 20th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



### An Act respecting the City of Ottawa

Whereas The Corporation of the City of Ottawa, herein called Preamble the Corporation, was empowered by The City of Ottawa Act, 1960-61, being chapter 120, to establish and maintain hospitals; that the Corporation by by-law established the Riverside Hospital of Ottawa; that it is desirable to revise the special legislation; and whereas the Corporation, with the concurrence of the Riverside Hospital of Ottawa, hereby applies for special legislation in respect of the matters that pertain to the Riverside Hospital of Ottawa; and whereas the Corporation further applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws Establishment for the establishment, erection, furnishing and maintenance of a hospital for the reception, care and treatment of persons of hospital affected with a disability, disease or illness or of a hospital for convalescent persons and, subject to the approval of the Ontario Municipal Board, may pass by-laws for the issue of debentures therefor.

maintenance

(2) The management and control of each hospital established under subsection (1) is vested in a board of trustees.

Board of trustees

(3) Subject to the Public Hospitals Act, the board of trust- Duties of ees shall.

board of trustees R.S.O. 1980, c. 410

- (a) operate, maintain and manage the hospital; and
- (b) manage all the real and personal property used for the purposes of the hospital.
- (4) The board of trustees of each hospital shall be com- Composition of board posed of,

R.S.O. 1980, c. 410

- (a) such persons as are provided for under the *Public Hospitals Act*;
- (b) the mayor of the City of Ottawa;
- (c) the executive director of the hospital;
- (d) the president of the hospital auxiliary; and
- (e) not fewer than eight nor more than eleven trustees appointed by the council of the Corporation.

Restriction

(5) Not more than three of the trustees appointed under clause (4) (e) shall be members of the council of the Corporation.

Residency requirement where hospital land outside City

(6) So long as land is owned or leased outside the City of Ottawa for the purposes of the hospital, at least one but not more than two trustees appointed under clause (4) (e) shall be a resident of The Regional Municipality of Ottawa-Carleton, but not of the City of Ottawa, at the time of the appointment.

Trustees appointed by Corporation

- (7) The council of the Corporation may by by-law prescribe in respect of the trustees appointed under clause (4) (e),
  - (a) the number of trustees;
  - (b) the conditions of eligibility for appointment;
  - (c) the time and manner of appointment;
  - (d) the commencement of the term of office; and
  - (e) the term of office.

Power of board (8) Each board of trustees, subject to the approval of the council of the Corporation, has the power to alter, expand or enlarge the hospital and establish other hospitals or similar institutions.

Real property in City

- (9) The council of the Corporation may,
  - (a) acquire by gift or purchase;

R.S.O. 1980, c. 148

- (b) subject to the Expropriations Act, expropriate; or
- (c) lease,

any real property within the City of Ottawa that is necessary or desirable for the alteration, expansion or enlargement of the hospital or for the establishment of other hospitals or similar institutions.

(10) The council of the Corporation may acquire by gift or Real purchase or lease any real property within The Regional Municipality of Ottawa-Carleton, but not within the City of Ottawa, that is necessary or desirable for the alteration, expansion or enlargement of the hospital or for the establishment of other hospitals or similar institutions.

property in

(11) Each board of trustees is a corporation under such Corporation name as may be approved by the Lieutenant Governor in Council upon petition by the Corporation.

(12) Subject to the Public Hospitals Act, each board of Disposal of trustees may sell or dispose of any personal property no longer required for its purposes, but the proceeds derived R.S.O. 1980. from the sale or disposal shall be held and applied for the purposes of each board of trustees.

property

(13) Except as provided by the Public Hospitals Act and Persons subject to clause (4) (c), no member of the medical staff or be trustees employee of any hospital nor the spouse of a member or employee of any hospital is eligible to be a trustee of that hospital.

(14) A trustee who is a member of the council of the Cor- Idem poration shall cease to be a trustee on the day on which he or she ceases to be a member of the council of the Corporation.

(15) A trustee shall cease to be eligible to serve as a mem- Idem ber of the board of trustees if any of the eligibility requirements set out in subsection (6) or prescribed by the council under clause (7) (b) are not maintained.

(16) Where a vacancy occurs among the members of the Vacancies board of trustees who are appointed under clause (4) (e), the council of the Corporation shall immediately appoint a person to fill the vacancy and, where the vacancy occurs before the expiry of the term of the vacating member, the appointee shall hold office for the remainder of the unexpired term of the vacating member.

(17) A majority of the members of each board of trustees Quorum constitutes a quorum, except that where there are vacancies on the board, a majority of the members in office constitutes a quorum.

(18) Each board of trustees that is managing and control- Continuation ling a hospital established under The City of Ottawa Act, trustees

of board of 1960-61. c. 120

1960-61 is hereby continued as a corporation without share capital under this Act.

Transition

(19) Every member of the board of trustees of each hospital in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires.

Estimates to be submitted to council

(20) Before the beginning of the fiscal year of the hospital, each board of trustees shall submit to the council of the Corporation, for approval, estimates of its revenues and expenditures for the fiscal year in its operating fund and all reserve and trust funds, and estimates of expenditures in its capital fund for the next five fiscal years, together with an estimate of the sources of funding of such capital expenditures, including receipts from the sale of assets.

Preparing estimates

(21) In preparing the estimates for the operating funds, the board of trustees shall make due allowance for a surplus of any previous year that will be available and shall provide for any operating deficit of any previous year and may provide for anticipated revenues on account of operations from all sources, including the Ministry of Health, any municipality, and transfers to or from other funds, but the board of trustees shall not budget for a surplus or deficit to be incurred in the fiscal year to which the estimates relate.

Restrictions on issues of debentures

(22) The board of trustees shall not authorize or proceed with, or provide any moneys for, any undertaking, work or project the cost of which is to be provided in whole or in part by the issue of debentures or other forms of long term debt or is to be provided in whole or in part from the revenues of a future year until the approval of the council of the Corporation has been obtained.

R.S.O. 1980, c. 302 applies (23) Subsection 71 (3) of the *Municipal Act* applies to the estimates referred to in subsection (20).

Financial statements

(24) Each board of trustees shall deliver to the council of the Corporation a copy of the financial statements for each fiscal year, prepared by the auditors of the board of trustees, together with the comments of the auditors thereon, immediately after the financial statements have been approved by the board of trustees.

Appointment of auditor

(25) The council of the Corporation shall appoint the auditor of each board of trustees in the same manner as it appoints its own auditor.

Powers of board of trustees (26) Each board of trustees,

- (a) may enter into agreements to provide pension or superannuation benefits for the employees of its hospital under a plan approved by the Ministry of Health:
- (b) may invest in securities authorized by law for investment by trustees under the Trustee Act;

R.S.O. 1980,

(c) subject to the Public Hospitals Act, may establish R.S.O. 1980, charges for hospital services;

- (d) may enact by-laws and regulations for the operation and management of the hospital and for establishing the duties and responsibilities of the members of the board of trustees, including attendance requirements for meetings; and
- (e) may enter into an agreement with any municipal corporation in Ontario for the payment by the municipal corporation of a grant or grants to the board of trustees towards the capital cost of construction of the hospital or for equipment for the hospital.
- (27) The by-laws and regulations made by a board of trust- Transition ees before the coming into force of this Act remain valid in so far as they are not inconsistent with this Act until they are revoked or replaced.

2.—(1) The council of the Corporation may pass by-laws By-laws requiring the driver of,

requiring surrender of driver's licence and vehicle

- (a) a cab or other vehicle used for hire or any class thereof:
- (b) a refreshment vehicle;
- (c) a driving school vehicle; or
- (d) any other class of vehicle that is regulated under a by-law passed by the council of the Corporation for the licensing, regulating and governing of any trade, calling, business or occupation or of the person carrying on or engaged in it,

to surrender for reasonable inspection, upon the demand of the chief licence inspector of the Corporation or a licence inspector appointed by by-law, his or her driver's licence issued under section 18 of the Highway Traffic Act or under R.S.O. 1980, the law of another jurisdiction and the permit for the vehicle

issued under section 7 of the *Highway Traffic Act* or under the law of another jurisdiction.

Restriction

- (2) A by-law passed under subsection (1) does not empower a licence inspector to stop a moving vehicle.
- 3. Section 4 of the Ottawa Civic Hospital Act, 1983, being chapter Pr38, is repealed and the following substituted therefor:

Board of Trustees **4.**—(1) The affairs of the Corporation shall be managed by a Board of Trustees.

Composition of Board

(2) The Board shall be composed of,

R.S.O. 1980, c. 410

- (a) such persons as are provided for under the *Public Hospitals Act*;
- (b) the mayor of the City of Ottawa;
- (c) one nominee of the Ottawa Civic Hospital Auxiliary; and
- (d) sixteen trustees appointed by the council of The Corporation of the City of Ottawa.

Residence requirement

(3) A trustee appointed under clause (2) (d) shall, at the time of the appointment to the Board, be a resident of The Regional Municipality of Ottawa-Carleton and shall cease to be eligible to serve as a trustee if the residency requirement is not maintained.

Idem

(4) At least eight of the trustees appointed under clause (2) (d) shall be residents of the City of Ottawa at the time of their appointment and shall cease to be eligible to serve as a trustee if the residency requirement is not maintained.

Restrictions

(5) No officer or employee of the Corporation shall be appointed under clause (2) (d) as a trustee and not more than two of the trustees appointed under clause (2) (d) shall be members of the council of The Corporation of the City of Ottawa.

Term of office

(6) The trustees appointed under clause (2) (d) shall serve for a term of three years and until their successors are appointed, but no such trustee shall serve for more than three consecutive terms, except, a trustee who has served three consecutive terms is again eligible for appointment to the Board on the expiration of one year after having completed the third of three consecutive terms.

- (7) Service on the Board of The Trustees of the Ottawa Idem Civic Hospital before the coming into force of this Act constitutes service on the Board for the purposes of subsection (6).
- (8) Where a vacancy occurs among the trustees appointed Vacancies under clause (2) (d), the council of The Corporation of the City of Ottawa shall immediately appoint a person to fill the vacancy and, where the vacancy occurs before the expiry of the term of the vacating trustee, the appointee shall hold office for the remainder of the unexpired term of the vacating trustee.

(9) The Board may by resolution passed by two-thirds of Declaration the votes cast by the members present at a meeting duly called for the purpose declare the seat of a trustee appointed under clause (2) (d) vacant if, in the opinion of the Board, the member has contravened this Act or the by-laws of the Corporation.

of vacancy

(10) The Board shall appoint annually at its first meeting in Chairperson, each fiscal year one of the trustees appointed under clause (2) (d) to be the chairperson and may appoint one of its trustees appointed under that clause to be vice-chairperson who shall, in the absence of the chairperson or if the office of the chairperson is vacant, act in the chairperson's place and the Board may appoint such other officers as the Board considers necessary.

- (11) Questions arising at any meeting of the Board shall be Votes decided by a majority of votes.
- (12) The services of the trustees shall be given without Remuneration remuneration, except for actual disbursements incurred in connection with the affairs of the Corporation and approved by the Board, but this subsection does not prevent an ex officio trustee from receiving a salary or other remuneration for his or her employment by or services rendered to the Corporation otherwise than as a trustee.

(13) Every member of the Board of The Trustees of the Transition Ottawa Civic Hospital in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires.

### **4.** The following are repealed:

Repeals

1. Section 1 of The City of Ottawa Act, 1960-61, being chapter 120.

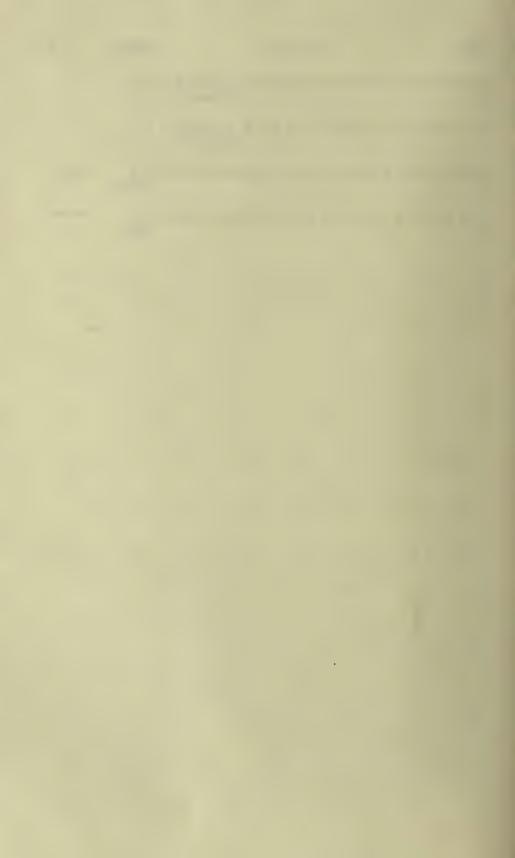
- 2. Section 1 of *The City of Ottawa Act*, 1979, being chapter 135.
- 3. Section 3 of *The City of Ottawa Act, 1980*, being chapter 118.

Commencement 5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the City of Ottawa Act, 1988.





36 ELIZABETH II, 1987

for 7. Jan

# Bill Pr8

(Chapter Pr1 Statutes of Ontario, 1988)

## An Act respecting the City of Toronto

Mr. Offer

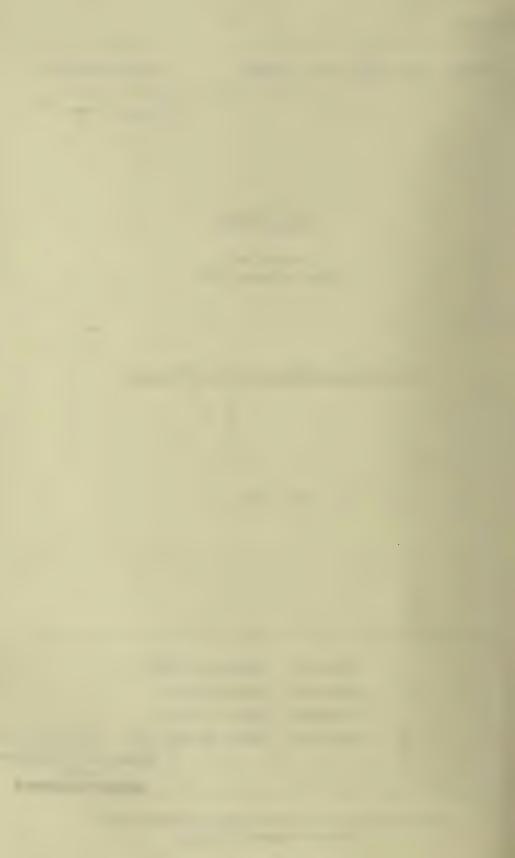
1st Reading November 10th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



### An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 (2) of The City of Toronto Act, 1952, being chapter 139, as re-enacted by the Statutes of Ontario, 1983, chapter Pr30, section 5, is repealed and the following substituted therefor:
- (2) The parking authority shall be a public commission and Incorporation a body corporate and shall consist of five members, each of of members whom shall be a person qualified to be elected as a member of council and shall be appointed by the council for a term not exceeding the term of the council appointing them and until their successors are appointed.

- 2. Subsection 5 (2) of The City of Toronto Act, 1958, being chapter 160, as amended by the Statutes of Ontario, 1978, chapter 148, section 6, is repealed and the following substituted therefor:
- (2) The historical board shall be a local board and a body Incorporation corporate and shall consist of two members of council and fifteen other members.

and members

3. The City of Toronto Act, 1961-62, being chapter 171, is amended by adding thereto the following section:

**1a.**—(1) In this section,

Definitions

"row housing" means contiguous residential units separated by party walls and contained in a building other than a single family, double or duplex building;

"special roll" means a roll containing the name of the owner or owners of the building, a description of the land on which the building is erected or enlarged and the amount of the charge imposed on the building.

Apportionment of special charge

(2) Where a charge has been imposed under subsection 1 (1) on a building consisting of row housing, the court of revision may, upon the application of the Corporation or by or on behalf of an owner of a unit in the building whose name appears on a special roll, apportion the charge among the residential units in the building in the ratio that their gross floor area bears to the total gross floor area of the building.

Amounts apportioned to equal total charge

(3) In apportioning a charge under subsection (2), the court of revision shall ensure that the total of the amounts apportioned equals the charge imposed.

Charge is lien on land

(4) Each owner of a residential unit in a building consisting of row housing is liable for the charge apportioned under subsection (2) and the charge is a lien upon the land of such owner.

Appeal to O.M.B.

c. 250

(5) An appeal lies to the Ontario Municipal Board from a decision of the court of revision apportioning a charge and R.S.O. 1980, section 52 of the Local Improvement Act applies with necessary modifications.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the City of Toronto Act, 1988.

37 ELIZABETH II, 1988

fully w

# Bill Pr9

(Chapter Pr48 Statutes of Ontario, 1988)

## An Act respecting the Charlotte Eleanor Englehart Hospital

Mr. Smith (Lambton)

CLERK
LEGISLATIVE ASSEMBLY

1st Reading June 16th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



### An Act respecting the **Charlotte Eleanor Englehart Hospital**

Whereas the Board of Trustees of Charlotte Eleanor Engle-Preamble hart Hospital hereby represents that the hospital was established under An Act to confirm the acceptance of the Charlotte Eleanor Englehart Hospital by the Town of Petrolia, being chapter 144 of the Statutes of Ontario, 1911; that the said Act was amended by the Statutes of Ontario, 1970, chapter 142; that it is desirable to establish a corporation under the name of Charlotte Eleanor Englehart Hospital in order that the hospital continue its operation as an incorporated entity and to permit the hospital corporation by by-law to determine the composition of the board of trustees; and whereas the hospital hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

"Board" means the board of trustees of Charlotte Eleanor Englehart Hospital;

"hospital corporation" means Charlotte Eleanor Englehart Hospital incorporated under section 2.

2. The Charlotte Eleanor Englehart Hospital is established as a corporation without share capital and shall be composed of the persons who comprise its Board.

Corporation established

3. Despite any provision in the will of the late Charlotte Eleanor Englehart, dated the 31st day of October, 1908, the absolute control and management of the hospital corporation is vested in the Board.

Management of hospital by Board

**4.**—(1) Subject to the *Public Hospitals Act*, and despite any provision in the will of the late Charlotte Eleanor Engle-

Composition of Board R.S.O. 1980, hart, dated the 31st day of October, 1908, the Board shall be composed of those members elected or appointed in such manner as the by-laws of the hospital corporation prescribe.

Administrative by-laws (2) All administrative matters respecting the Board including the term of office of the trustees and the filling of vacancies of the Board shall be established by by-law of the hospital corporation.

Powers

5. The Board has the power to operate the hospital and do all things necessary in connection therewith.

Transition

**6.**—(1) The members of the Board holding office immediately prior to the coming into force of this Act shall continue in office for the duration of the term for which they were appointed.

Transfer of property

(2) All real and personal property owned by the hospital on the day this Act comes into force are vested in Charlotte Eleanor Englehart Hospital without the necessity of any grant, conveyance, transfer, assignment, or vesting thereof, but subject to all obligations, debts, mortgages, charges and liabilities affecting the hospital.

Idem

(3) All trusts, gifts, devises and bequests hereafter made to or in favour of or intended for Charlotte Eleanor Englehart Hospital shall be held and enjoyed by the hospital corporation.

Conflict

7. Where there is a conflict between a provision of An Act to confirm the acceptance of the Charlotte Eleanor Englehart Hospital by the Town of Petrolia, being chapter 144 of the Statutes of Ontario, 1911 and a provision of this Act, the provision of this Act prevails.

Commencement

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the Charlotte Eleanor Englehart Hospital Act, 1988.

36 ELIZABETH II, 1987

Party or

# Bill Pr10

(Chapter Pr14 Statutes of Ontario, 1988)

# An Act respecting the Oshawa Public Utilities Commission

Mr. Breaugh

CLERK

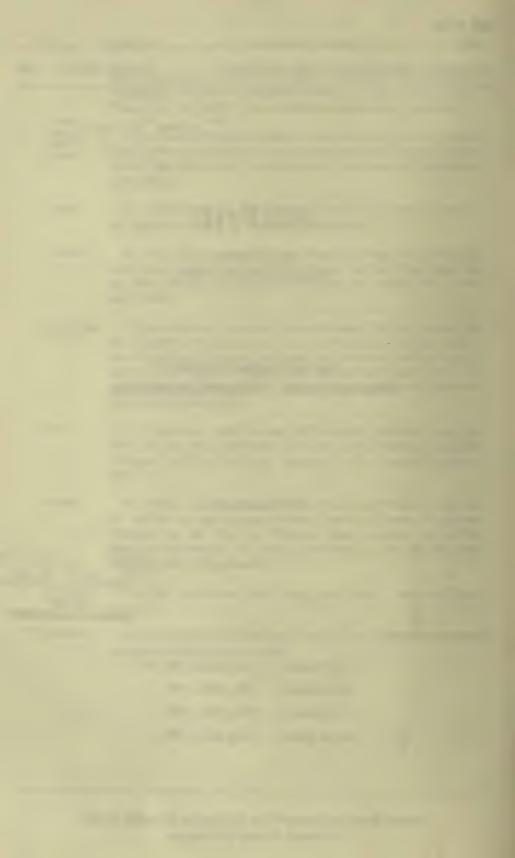
LEGISLATIVE ASSEMBL

1st Reading December 3rd, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1987

#### An Act respecting the Oshawa Public Utilities Commission

Whereas the Oshawa Public Utilities Commission, herein Preamble called the Commission, hereby applies for special legislation to enable it to pay the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan for the spouses and children of deceased employees; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Commission may provide insurance in respect Insurance, of hospital, medical, surgical, nursing or dental services and zation, etc. the payment therefor for the spouses and children of deceased employees in the same manner as it may provide for the spouses and children of retired employees under paragraph 48 of section 208 of the Municipal Act.

R.S.O. 1980,

(2) The Commission may contribute toward the cost to the Contributions spouses and children of deceased employees of the plan of R.S.O. 1980, insurance provided for under the Health Insurance Act.

to plan under

2. This Act comes into force on the day it receives Royal Commence-Assent.

3. The short title of this Act is the Oshawa Public Utilities Short title Commission Act, 1988.



f-4-4

# Bill Pr11

(Chapter Pr15 Statutes of Ontario, 1988)

## An Act to revive LFP Management Limited

Mrs. Fawcett

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 12th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act to revive L F P Management Limited

Whereas Louis F. Peters hereby represents that L F P Man- Preamble agement Limited, herein called the Corporation, was incorporated by letters patent dated the 10th day of October, 1967; that the Minister of Consumer and Commercial Relations by order dated the 17th day of February, 1981 and made under the authority of subsection 251 (3) of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario. 1970, cancelled the certificate of incorporation of the Corporation for default in complying with The Corporations Tax Act, 1972, being chapter 143, and declared the Corporation to be dissolved on the 17th day of February, 1981; that the applicant was the president, general manager and a director of the Corporation at the time of dissolution; that default in filing the annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution was actively carrying on the business authorized by its letters patent and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

1. L F P Management Limited is hereby revived and is, Revival subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the L F P Management Short title Limited Act. 1988.



36 ELIZABETH II, 1987

for the Cha

# Bill Pr12

(Chapter Pr2 Statutes of Ontario, 1988)

### An Act to revive the Centre for Educative Growth

Mr. Morin

1st Reading November 9th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

CLERK
LEGISLATIVE ASSEMBLY



#### An Act to revive the Centre for Educative Growth

Whereas John Legg and J. Fred Gillespie hereby represent Preamble that the Centre for Educative Growth, hereinafter called the Corporation, was incorporated by letters patent dated the 12th day of November, 1973; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982, and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for failure to comply with the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicants were directors in good standing of the Corporation at the time of its dissolution; that notice of default in filing annual returns, although sent to each of the applicants as directors, was not received by any of them and none of them was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on its activities and has continued to carry on its activities in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

1. The Centre for Educative Growth is hereby revived and Corporation is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution, in the same manner as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Centre for Educative Growth Act, 1988.

36 ELIZABETH II, 1987

Puns. Cym

# Bill Pr13

(Chapter Pr3 Statutes of Ontario, 1988)

## An Act respecting Special Ability Riding Institute

Mr. Reycraft

1st Reading November 9th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

CLERK
LEGISLATIVE ASSEMBLY



### An Act respecting Special Ability Riding Institute

Whereas Special Ability Riding Institute, herein called the Preamble Institute, hereby represents that it was incorporated by letters patent dated the 26th day of June, 1978; that the Institute is a registered charitable organization within the meaning of the Income Tax Act (Canada); that the objects of the Institute are R.S.C. 1952, to promote the well-being of handicapped persons by means of horseback riding; that on the 28th day of January, 1980, the Institute acquired a freehold interest in the lands and premises described in the Schedule on which it operates its programs in accordance with its objects; and whereas the Institute hereby applies for special legislation to exempt the lands and premises described in the Schedule from taxation for municipal and school purposes, other than local improvement rates; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the Township of Tax London may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the Assessment Act, occupied by the Insti- R.S.O. 1980, tute, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Institute.

exemption

(2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.

2. A by-law passed under section 1 may be retroactive to Retroactive the 1st day of January, 1987.

3. This Act comes into force on the day it receives Royal Commence-Assent.

4. The short title of this Act is the Special Ability Riding Short title Institute Act, 1988.

#### **SCHEDULE**

Those lands and premises situate in the Township of London, in the County of Middlesex and being composed of Part of Lot 30, in Concession 6 of the said Township, more particularly designated as Part 1 on Plan 33R-3948 filed in the Land Registry Office for the Registry Division of Middlesex East (No. 33).

36 ELIZABETH II, 1987

for 4. Cym

# Bill Pr14

(Chapter Pr4 Statutes of Ontario, 1988)

# An Act respecting York Fire & Casualty Insurance Company

Mr. Cousens

1st Reading November 9th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



1987

### An Act respecting York Fire & Casualty Insurance Company

Whereas York Fire & Casualty Insurance Company, herein Preamble called the Company, hereby represents that York Fire & Casualty Company was incorporated under the laws of the Province of Ontario by letters patent dated the 30th day of September, 1955; that the said letters patent were amended by supplementary letters patent dated the 30th day of November. 1955; that the Company received letters patent approving its amalgamation with Transportation Fire & Casualty Company on the 30th day of December, 1977 under the name of York Fire & Casualty Insurance Company; that the letters patent of amalgamation were amended by supplementary letters patent dated the 29th day of November, 1983, the 25th day of October, 1985 and the 19th day of February, 1986; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under the Corporations Act, the Company may apply to the Minister of Consumer and Corporate Affairs of Canada or the Minister of and Finance, as applicable for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing inter alia that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Application to Minister of Consumer Corporate Affairs authorized R.S.O. 1980,

**2.** Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of the letters patent together with a copy of the letters patent certified by

Items to be

R.S.O. 1980, c. 95 the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the *Corporations Act* shall cease to apply to the Company.

Minister's certificate

**3.** The Minister of Consumer and Commercial Relations may, on receipt of the notice and certified copy of the letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the York Fire & Casualty Insurance Company Act, 1988.

Puly Cya

36 ELIZABETH II, 1987

# Bill Pr16

(Chapter Pr32 Statutes of Ontario, 1988)

## An Act respecting the City of Toronto

Mr. Kanter

CLERK LEGISLATIVE ASSEMBLY

1st Reading December 8th, 1987

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



### An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

**Definitions** 

- "Benefit Fund Committee" means The Benefit Fund Committee which administers the Toronto Fire Department Superannuation and Benefit Fund:
- "Pension Committee" means The Toronto Civic Employees' Pension Committee which administers the Toronto Civic Employees' Pension and Benefit Fund:
- "Pension Fund" means the Toronto Civic Employees' Pension and Benefit Fund:
- "Superannuation Fund" means the Toronto Fire Department Superannuation and Benefit Fund.
- (2) The council of the Corporation may pass by-laws to By-laws amend the Pension Fund or the Superannuation Fund to respecting pension plans provide,

(a) that any question or matter considered by the Benefit Fund Committee in administering the Superannuation Fund or by the Pension Committee in administering the Pension Fund shall be determined by a majority of the members of the committee holding office at that time but the council may require that any question or matter involving the investment of money accumulated to the credit of the fund shall be determined by such greater proportion of votes as may be prescribed by the by-law;

- (b) that the Benefit Fund Committee or the Pension Committee may delegate to any person or body, subject to any restrictions which may be imposed by the committee, the power to invest all or any part of the money accumulated to the credit of the fund and not required for current expenditure and for paying out of the fund any fees payable to such person or body;
- (c) that all or any part of the money and investments accumulated to the credit of either the Pension Fund or the Superannuation Fund may be held in the name of the fund or may be held for the account of the fund by another person or body designated for that purpose by the committee administering the fund;
- (d) that the Benefit Fund Committee may pay out of the Superannuation Fund any expenses incurred by the committee in providing for the custody and safekeeping of securities, certificates or other investments belonging to the fund or in obtaining investment performance measurements;
- (e) that the Pension Committee may pay out of the fund any expenses incurred by the committee in providing for the custody and safekeeping of securities, certificates or other investments belonging to the fund or in obtaining investment performance measurements.

Deeming provision

(3) Any by-law passed under this section shall be deemed not to adversely affect the pensions, other benefits and privileges of members of any plan administered by the Benefit Fund Committee or the Pension Committee.

Notice requirements 1987, c. 35

(4) Notwithstanding subsection (3), section 27 of the *Pension Benefits Act*, 1987 applies to any amendment to a plan administered by the Benefit Fund Committee or the Pension Committee that would result in a reduction of pension benefits accruing subsequent to the effective date of the amendment or that would otherwise adversely affect the rights or obligations of a member or former member or any other person entitled to payment from the plan or fund.

Accrual of credits by disabled employees or former employees 2. The council of the Corporation may pass by-laws, upon such terms and conditions as may be prescribed, to permit a person who receives or who, on or before the day this section comes into force, received payments under a disability plan of the Corporation to accrue service credits under a pension plan

of the Corporation for the whole or any part of the period during which the payments are or were received notwithstanding that the employment of the person with the Corporation has or was terminated for the whole or any part of the period.

3. Notwithstanding any other Act, the council may submit Submission one or more questions under section 26 of the Liquor Licence R.S.O. 1980, Act in any or all of the areas described in the Schedule and c. 244 the provisions of that Act apply in respect to any question or questions submitted under this section.

4. This Act comes into force on the day it receives Royal Commence-Assent.

5. The short title of this Act is the City of Toronto Act, Short title 1988.

#### **SCHEDULE**

#### AREA 1

In the City of Toronto, in The Municipality of Metropolitan Toronto and Province of Ontario, being composed of a portion of the former City of West Toronto, annexed to the City of Toronto by The City of Toronto Act, 1909, the boundaries of the said portion being described as follows:

COMMENCING at the intersection of the westerly City Limit of the City of Toronto and the centre line of the Canadian Pacific Railway lying north of Dundas Street West;

THENCE easterly along the centre line of the Canadian Pacific Railway to the centre line of Keele Street;

THENCE southerly along the centre line of Keele Street to the original northerly limit of Bloor Street, now Bloor Street West;

THENCE westerly along the said original northerly limit of Bloor Street West to where the same is intersected by the northerly production of the westerly limit of High Park as it existed in December, 1890;

THENCE southerly along the said northerly production of the westerly limit of High Park to the original southerly limit of Bloor Street West;

THENCE westerly along the said original southerly limit of Bloor Street West to the existing westerly limit of that portion of the City of Toronto lying between Bloor Street West and Annette Street, as defined in The City of Toronto Act, 1941;

THENCE northerly along the said existing westerly limit of the City of Toronto to its intersection with the westerly production of the northerly limit of Annette Street;

THENCE easterly along the said westerly production to and along the said northerly limit of Annette Street to the westerly limit of Elizabeth Street, now Runnymede Road;

THENCE northerly along the said westerly limit of Runnymede Road, formerly Elizabeth Street, being along the westerly limit of the former City of West Toronto to the point of commencement.

#### AREA 2

In the City of Toronto, in The Municipality of Metropolitan Toronto and Province of Ontario, being composed of a portion of the former City of West Toronto, annexed to the City of Toronto by *The City of Toronto Act, 1909*, the boundaries of the said portion being described as follows:

COMMENCING at the intersection of the centre line of Keele Street and the centre line of the Canadian Pacific Railway lying north of Dundas Street West:

THENCE easterly along the centre line of the Canadian Pacific Railway to its intersection with the westerly limit of the lands of the Northern Division of the Grand Trunk Railway;

THENCE southerly along the westerly limit of the lands of the Northern Division of the Grand Trunk Railway to the southerly limit of the Canadian Pacific Railway;

THENCE westerly along the southerly limit of the Canadian Pacific Railway to the westerly limit of the lands of the Grand Trunk Railway;

THENCE southerly along the westerly limit of the lands of the Grand Trunk Railway to where the same is intersected by the easterly production of the southerly limit of Humberside Avenue;

THENCE westerly along the said easterly production to and along the said southerly limit of Humberside Avenue to the limit between Township lots 34 and 35 in Concession 2 From the Bay in the original Township of York;

THENCE southerly along the said limit between Township lots 34 and 35 to the original northerly limit of Bloor Street, now Bloor Street West;

THENCE westerly along the said original northerly limit of Bloor Street West to the centre line of Keele Street;

THENCE northerly along the centre line of Keele Street to the point of commencement.

#### AREA 3

In the City of Toronto, in The Municipality of Metropolitan Toronto and Province of Ontario, being composed of a portion of the former City of West Toronto, annexed to the City of Toronto by *The City of Toronto Act, 1909*, the boundaries of the said portion being described as follows:

COMMENCING at the intersection of the westerly City Limit of the former City of West Toronto and the centre line of the Canadian Pacific Railway lying north of Dundas Street West;

THENCE in general northerly and easterly directions, being along westerly and northerly limits of the said former City of West Toronto to the westerly limit of the lands of the Northern Division of the Grand Trunk Railway;

THENCE southerly along the said westerly limit of the lands of the Northern Division of the Grand Trunk Railway to the centre line of the said Canadian Pacific Railway;

THENCE westerly along the said centre line of the Canadian Pacific Railway to the point of commencement.



Paris Cyo

# Bill Pr18

(Chapter Pr49 Statutes of Ontario, 1988)

An Act respecting the Sarnia Kiwanis Foundation Inc.

Mr. Brandt

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 22nd, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



Bill Pr18

1988

### An Act respecting the Sarnia Kiwanis Foundation Inc.

Whereas the Sarnia Kiwanis Foundation Inc., herein called Preamble the Foundation, hereby represents that it was incorporated on the 25th day of January, 1985; that one of the objects of the Foundation is to operate a community centre commonly known as the Lochiel Kiwanis Centre; that the Foundation is a registered charitable organization within the meaning of the Income Tax Act (Canada); that it is desirable that provision R.S.C. 1952, be made to authorize the council of The Corporation of the City of Sarnia to exempt the real property leased by the Foundation that is used to operate the Lochiel Kiwanis Centre from taxation for municipal and school purposes, other than local improvement rates; and whereas the Foundation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Sar- Tax nia may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the Assessment Act, occupied by the Foun- R.S.O. 1980, dation, being the lands and premises described in the Schedule, so long as the land is occupied and used solely for the purposes of the Foundation.

- (2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.
- (3) A by-law passed under subsection (1) may be retro- By-law may be retroactive active to the 1st day of January, 1987.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Sarnia Kiwanis Foundation Inc. Act, 1988.

### **SCHEDULE**

The land situate in the City of Sarnia, in the County of Lambton, more particularly described as follows:

Parts of lots 192, 193 and 217, and all of Lot 216 on the north side of Lochiel Street, part of lots 194, 195, 214 and 215 on the south side of Lochiel Street, and Part of Lot 218 on the west side of Forsythe Street, all according to Registered Plan Number 14 for the City of Sarnia, and that Part of Lochiel Street lying between the easterly limit of College Avenue and the westerly limit of Forsythe Street according to Registered Plan Number 14 for the City of Sarnia, now closed by By-law Number 872 of the City of Sarnia and registered as Instrument Number 30266 for the City of Sarnia, and now all designated as Part 1 on Plan 25R-4261 registered in the Land Registry Office for the County of Lambton.

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# Bill Pr19

(Chapter Pr16 Statutes of Ontario, 1988)

# An Act respecting the City of Sudbury

Mr. Campbell

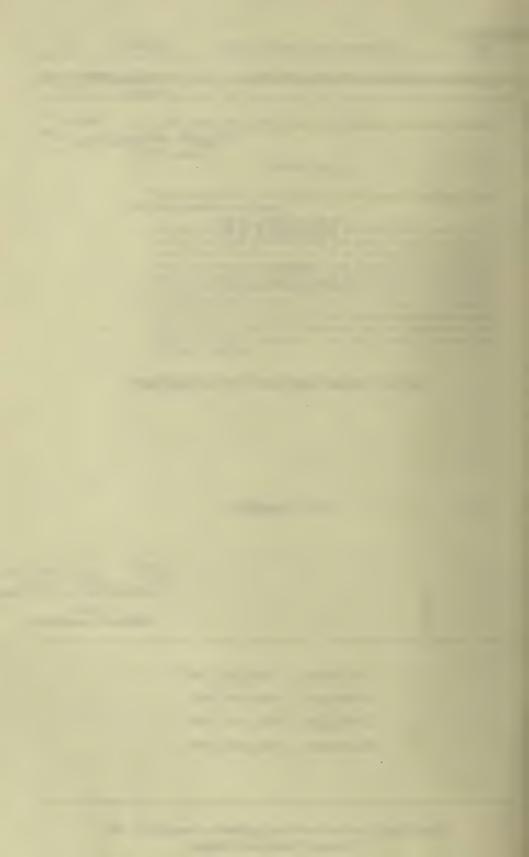
CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 12th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



Bill Pr19 1988

### An Act respecting the City of Sudbury

Whereas The Corporation of the City of Sudbury, herein Preamble called the Corporation, considers it expedient to establish a local board to manage and operate an annual winter festival known as the Sudbury Snowflake Festival or such other festival as may be authorized by by-law of the council; and whereas it is in the public interest to implement the objects of the local board; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Definitions

"board" means The Sudbury Snowflake Festival Board;

"council" means the council of the Corporation.

2.—(1) The council may by by-law establish a local board Local board established to be known as "The Sudbury Snowflake Festival Board".

(2) The objects of the board are to plan, promote, co-ordinate, administer and manage an annual winter festival held in the City of Sudbury known as the Sudbury Snowflake Festival, or such other festival authorized by by-law of council.

Objects of the board

### 3. The board may,

Powers

- receive, manage and use donations by any person and grants made by the council to further its objects;
- appoint such employees as it considers necessary, determine the term of their employment, fix their remuneration and prescribe their duties;
- (c) maintain its own bank account;

- (d) borrow money solely from the Corporation with the approval of council on such terms as to interest and repayment as may be determined by council;
- (e) acquire in its own name real or personal property; and
- (f) enter into agreements with the Corporation or any person.

Composition of board

**4.**—(1) The board is a body corporate and shall consist of such number of members as council considers advisable, at least two of whom shall be members of council.

Term of office

(2) The members of the board shall be appointed by by-law for a term up to three years but not exceeding the life of the council that appointed them and until their successors are appointed, and any member is eligible for reappointment.

Remuneration (3) The members of the board shall serve without remuneration.

Termination

(4) The council may at any time by by-law terminate the office of a member of the board.

Vacancies

(5) Where a person ceases to be a member of the board before the expiration of his or her term, the council may appoint another person for the unexpired portion of the term.

Officers

5. The board shall, in each year, elect a chairperson, vice-chairperson and secretary and such other officers as it considers necessary to conduct the business of the board during the year.

Meetings

**6.**—(1) The board shall meet at least four times in every calendar year.

Notice of meeting

(2) Advance notice of every meeting shall be given to each member of the board in the time period specified by by-law of council.

**Ouorum** 

(3) A majority of the members of the board constitutes a quorum.

Minutes of meeting

(4) The board shall keep proper minutes and records of every meeting of the board and shall forward true copies of the minutes and records to all members of the board and to the clerk of the Corporation as soon as possible after each meeting.

7.—(1) The board shall appoint a general manager who General shall be the chief administrative officer of the board.

(2) The board may delegate to the general manager the Delegation exercise of such power and authority as it may determine for the proper conduct of the business conducive to the objects of the board.

8. The board shall maintain, at its own expense, such poli-Insurance cies of insurance in respect of the board as are required for its purposes.

- Fiscal year **9.** The fiscal year of the board shall be the calendar year.
- 10. The treasurer of the Corporation shall be the treasurer Treasurer of the board.
- 11.—(1) The auditor of the Corporation shall audit the Annual audit accounts and transactions of the board annually.
- (2) The board shall, as soon as possible after the 31st day Financial of March in each year, submit to the council the audited be submitted financial statements. to council
- 12. The council may require the board to report to the Reports to council on any matter relating to the carrying out of the objects of the board.
- **13.**—(1) The annual budget or any part thereof of the board shall be subject to the approval of council and shall be council submitted to council at the time and in the form prescribed by council by by-law, and council may approve or reject any part thereof and may designate the purposes for which grants made by the Corporation shall be expended.

(2) The board may, within the limits of the budget Sums may be approved by council, incur expenses and pay salaries, fees and expenses and pay salaries, fees and expenses any other sums of money required by the board for the carry- approved ing out of its objects.

budget

**14.**—(1) The council may by by-law dissolve the board.

Dissolution of board

(2) The property and the income, revenue and accretions of Transfer of the board shall be applied solely to promote the objects of the dissolution board and, upon the dissolution of the board, any property or assets remaining after the payment of debts shall vest in the Corporation to form part of its general funds.

Other name or designation

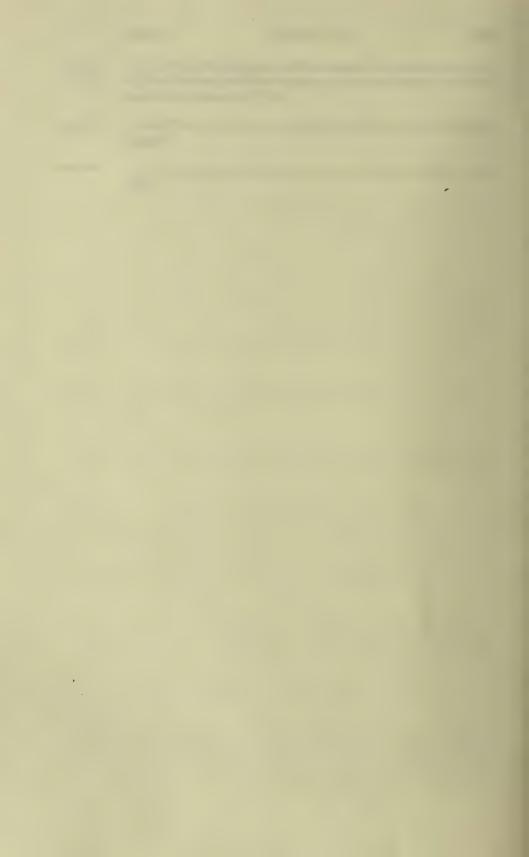
15. With the approval of the council, the board may identify itself to the public by a name or style other than that designated in subsection 2 (1).

Commencement 16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the City of Sudbury Act, 1988.





1ST SESSION, 34TH LEGISLATURE, ONTARIO

Hy. y.

37 ELIZABETH II, 1988

# Bill Pr20

(Chapter Pr33 Statutes of Ontario, 1988)

# An Act respecting the Town of Markham

Mr. Cousens

CLERK LEGISLATIVE ASSEMBLY

1st Reading May 24th, 1988
2nd Reading June 29th, 1988
3rd Reading June 29th, 1988
Royal Assent June 29th, 1988



Bill Pr20 1988

### An Act respecting the Town of Markham

Whereas The Corporation of the Town of Markham, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Definitions

"employee" includes a person who,

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;
- "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;
- "enclosed" means closed in by a roof or ceiling and four walls with an appropriate opening or openings for ingress or egress;
- "inspector" means a person appointed by the council of the Corporation under clause (2) (k);
- "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment:

"smoking policy" means a written policy that attempts to accommodate the preferences of smokers and non-smokers in a workplace;

"workplace" means any enclosed area of a building or structure in which an employee works.

By-laws respecting smoking in the workplace

- (2) The council of the Corporation may pass by-laws,
  - (a) requiring every employer in the Town of Markham, within the time specified in the by-law, to adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer;
  - (b) requiring every employer required by by-law to adopt and implement a smoking policy to maintain that smoking policy in the workplace for which it was adopted and to give notice of the adoption of the smoking policy to each employee in the workplace within the time specified in the by-law;
  - (c) providing that if a smoking policy has been adopted, a non-smoking employee may object to the employer about smoke in the workplace;
  - (d) requiring an employer, if an objection has been made under clause (c), to attempt to reach a reasonable accommodation between the preferences of non-smoking and smoking employees using already available means of ventilation, separations or partitions, but no employer shall be required to make any expenditures or structural alterations to the workplace to accommodate the preferences of nonsmoking employees;
  - (e) requiring an employer to prohibit smoking in the workplace if an accommodation satisfactory to all non-smoking employees in a workplace cannot be reached and to erect signs indicating the prohibition;
  - (f) prohibiting any person from smoking in a workplace contrary to the smoking policy adopted for that workplace;
  - (g) prohibiting any person from smoking in a workplace if smoking has been prohibited as required by bylaw;

- (h) prescribing the size, location and details of the signs which an employer is required by the by-law to erect in that workplace:
- providing that any employer who permits smoking (i) in a workplace contrary to the smoking policy adopted for that workplace or contrary to the prohibition under clause (e) is guilty of an offence;
- prescribing the method by which any notice is required to be given by the employer; and
- (k) appointing inspectors.
- (3) For the enforcement of any by-law passed under this Inspection of section, an inspector, upon producing proper identification. may, at all reasonable hours, enter any workplace or any building or structure in which a workplace is situate, and may make examinations, investigations and inquiries.

(4) No inspector may enter a workplace that is also a dwell- Where ing without the consent of the occupant or without first a dwelling obtaining and producing a warrant.

(5) No person shall hinder or obstruct an inspector lawfully Obstruction carrying out the enforcement of any by-law passed under this prohibited section.

## (6) If any person,

Application for warrant

- (a) denies entry or access to an inspector, through or over a workplace or through or over any building or structure in which a workplace is situate;
- (b) instructs or directs an inspector to leave a workplace or any building or structure in which a workplace is situate;
- (c) obstructs an inspector from carrying out the enforcement of a by-law passed under this section; or
- (d) refuses to comply with a request for the production of any thing, the production of which is requested for the purpose of an examination, investigation or inquiry,

an inspector may apply to a justice of the peace for a warrant.

Warrant by justice of the peace

- (7) If a justice of the peace is satisfied on information under oath,
  - (a) that there is reasonable and probable ground for believing that it is necessary,
    - (i) to enter and have access to any workplace or any building or structure in which a workplace is situate, or
    - (ii) to make examinations, investigations and inquiries for the purpose of this section or the enforcement of any by-law passed under this section; and
  - (b) that an inspector,
    - (i) has been denied entry to the workplace or to any building or structure in which a workplace is situate,
    - (ii) has been instructed or directed to leave the workplace or any building or structure in which a workplace is situate,
    - (iii) has been obstructed, or
    - (iv) has been refused production of any thing related to an examination, investigation or inquiry,

the justice of the peace may issue a warrant authorizing an inspector to act as mentioned in clause (a) in respect of the workplace or building or structure specified in the warrant, by force if necessary, together with such police officers as may be called upon to assist the inspector.

Execution of

(8) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

Expiry of warrant

(9) A warrant issued under this section shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Application without notice

(10) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the employer or owner or occupier of the workplace or of the building or structure in which a workplace is situate.

### 2.—(1) In this section,

Definitions

- "enclosed public place" means an enclosed indoor area that is open to the public and includes.
  - (a) those parts of a restaurant, health care facility, retail store, commercial establishment, office building, educational or financial institution that are normally open to clients, customers, patients, students or other members of the public,
  - (b) a bus or other vehicle that is used to provide transportation to the general public for a fee,
  - (c) a school bus.
  - (d) an elevator, escalator or stairway in any building, and
  - (e) a bus shelter:
- "health care facility" means a facility in which patients are or may be admitted for medical treatment or care and includes a hospital, nursing home and medical clinic;
- "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.
- (2) The council of the Corporation may pass by-laws pro- By-laws hibiting or regulating smoking in enclosed public places or in smoking in any class thereof during the time that the enclosed public public places places are actually open to the public.

(3) A by-law passed under this section may,

Idem

- (a) designate areas where smoking is permitted in enclosed public places; and
- (b) prescribe the size, location and details of the signs which must be erected in enclosed public places.
- (4) Nothing in this section limits the rights of a person in More charge of an enclosed public place to further limit or ban limitations on smoking on all or part of the premises under that person's smoking charge.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Town of Markham Act*, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

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# Bill Pr21

(Chapter Pr5 Statutes of Ontario, 1988)

# An Act respecting the Association of Registered Wood Energy Technicians of Ontario

Mr. McGuigan

1st Reading November 25th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

CLERK LEGISLATIVE ASSEMBLY

A70..00 1 1 10 007

Bill Pr21 1987

### An Act respecting the Association of **Registered Wood Energy Technicians of Ontario**

Whereas the members of the Ontario Branch of the Canadian Preamble Wood Energy Institute are desirous of being incorporated for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to re-name the Ontario Branch of the Canadian Wood Energy Institute as the Association of Registered Wood Energy Technicians of Ontario; and whereas it is considered desirable to grant the members of the proposed Association the right to use the designation "Registered Wood Energy Technician"; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act.

Definitions

"Association" means the Association of Registered Wood Energy Technicians of Ontario;

"Board" means the board of governors of the Association;

"registered" means registered as a member under this Act, and "registration" has a corresponding meaning;

"Registrar" means the Registrar of the Association;

"student" means a student member of the Association.

2.—(1) The "Association of Registered Wood Energy Incorporation Technicians of Ontario" is constituted a corporation without share capital and the persons registered as members of the Ontario Branch of the Canadian Wood Energy Institute on the day this Act comes into force and such other persons as

hereafter become members of the Association constitute the corporation.

Head office

(2) The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in the Province of Ontario that may be so designated by the Board.

Objects

- 3. The objects of the Association are,
  - (a) to furnish means and facilities by which members and students of the Association may increase their knowledge, skill and efficiency in all things related to the business or profession of a wood energy technician;
  - (b) to hold examinations and set tests of competency appropriate to qualify for admission to membership in the Association;
  - (c) to establish and maintain standards of knowledge and skill among its members;
  - (d) to maintain discipline among members and students of the Association;
  - (e) to establish and maintain standards of professional ethics among members and students of the Association;
  - (f) to supervise the practice of members of the Association and students in order that the public interest may be served and protected;
  - (g) to promote safe and competent practices in the installation, maintenance and operation of wood heating systems;
  - (h) to promote interest in the study of wood as an energy source;
  - (i) to carry on printing and publishing and to sell and distribute educational, promotional and safety literature:
  - (j) to seek and maintain membership in the Canadian Wood Energy Institute and to co-operate with other organizations having objects, wholly or in part, the same as or similar to the objects of the Association;

- (k) to accept donations, gifts, legacies and bequests for use in promoting the objects and carrying on the work of the Association; and
- (1) to carry on benevolent work in connection with the families of deceased, retired or incapacitated members who are in need.
- 4.—(1) The affairs of the Association shall be managed by Board of the board of governors.
- (2) The first Board shall consist of the persons named in First Board the Schedule and they shall hold office until their successors are elected in accordance with this Act and the by-laws of the Association.

(3) The Board shall consist of not fewer than five and not Composition more than fifteen persons elected by and from the membership of the Association as defined by the by-laws of the Board.

- (4) The Association may by by-law provide for the appoint- Idem ment to the Board of up to three persons who are not members of the Association.
- (5) The immediate past president of the Association shall Ex officio member be an ex officio member of the Board if and while that past president is a member of the Association.
- (6) Every person who is a past president of the Association Honorary or of the Canadian Wood Energy Institute is an honorary member of the Board but as such has only the rights and privileges set out in the by-laws of the Association.
- (7) The manner of electing the members of the Board, the Matters notification to the electors of the time and place of holding by-law elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws.

- (8) At any meeting of the Board, three-fifths of the voting Quorum members of the Board constitute a quorum.
- (9) The Board shall elect from its members a president, a Officers vice-president and a treasurer and shall appoint a secretary who need not be a member of the Board.

Vacancies

(10) In the case of the death, resignation or incapacity of any member of the Board, other than a past president serving under subsection (5) or (6), the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term.

Idem

(11) For the purpose of subsection (10), absence from three consecutive meetings of the Board may be treated by the Board as incapacity.

Registrar

(12) The Board shall appoint a Registrar, who need not be a member of the Board, and the Registrar shall perform the functions assigned by this Act and such other duties as may be assigned by the Board.

**Proxies** 

- 5. At any general or special meeting of the Board, members may be represented by proxy but,
  - (a) no proxy shall be exercised by a person who is not a member; and
  - (b) the proxy shall be exercised in accordance with the by-law on voting and proxies.

Powers of Board

- **6.**—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided in this Act, the Board may pass by-laws,
  - (a) to prescribe the qualifications for membership in and registration by the Association;
  - (b) to prescribe a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Association shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
  - (c) to provide for the continuing education and professional development of its members;
  - (d) to prescribe the experience criteria to be met by candidates for registration;
  - (e) to establish and prescribe such categories of membership as are necessary for the purposes of the Association and in the public interest;

- (f) to regulate and govern the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;
- (g) to provide for the receipt and consideration of complaints made to the Association concerning the conduct of its members and the practice of their business or profession, including the establishment of a complaints committee and procedures therefor;
- (h) to prescribe fees payable to the Association;
- (i) to fix and regulate the time, place, calling and conduct of annual, general and special meetings of the Association and meetings of the Board;
- (j) to establish and provide for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations;
- (k) to authorize the making of grants for any purpose that may tend to advance wood energy technology, knowledge and education, improve standards of practice in wood energy technology, or support and encourage public information and interest in the safe installation and use of wood energy technology;
- to govern the acquisition, management, disposal and conduct of the property and affairs of the Association;
- (m) to provide for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;
- (n) to establish such committees as the Board may consider necessary to carry out the business of the Association;
- to establish and maintain a professional liability claims fund for the purpose of paying therefrom, subject to the by-laws and any rules made thereunder, professional liability claims against members;
- (p) to provide for and establish requirements for categories of membership or types of projects for which

members must secure professional liability insurance, including minimum limits of insured professional liability;

- (q) to enter into any group contract of insurance with an insurer for the payment by the insurer of professional liability claims, in whole or in part, and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund; and
- (r) to provide for the appointment of an auditor for the Association.

Mandatory by-laws

- (2) The Board shall pass by-laws,
  - (a) to provide for and govern the discipline, supervision, expulsion or other penalty for professional misconduct, incapacity or other incompetence;
  - (b) to establish a discipline committee and its procedures;
  - (c) to establish an appeals committee of the Board and its procedures; and
  - (d) to establish a committee and its procedures for reviewing applications for admission.

Proposals by members

(3) A member entitled to vote at an annual, general or special meeting of the Association may make a proposal to make, amend or repeal a by-law.

Notice of proposal

(4) A notice of the member's proposal shall be delivered to the office of the Association at least thirty days before the annual meeting at which it will be considered.

Idem

(5) Upon receiving a proposal from a member to enact, amend or repeal a by-law, the Board shall cause the proposal to be published in the agenda for the next annual meeting of the Association, which agenda shall be distributed to the membership in accordance with the by-laws, but when there is not sufficient time before the next annual meeting of the Association to distribute the proposal in accordance with the by-laws, the proposal shall be contained in the agenda for the next following annual, general or special meeting and shall be distributed to the membership in accordance with the by-laws of the Association.

(6) Twenty per cent of the members entitled to vote at an Special annual, general or special meeting of the Association may request that the Board call and hold a special meeting to make, amend or repeal a by-law and consider any other husiness

(7) A request under subsection (6) shall be in writing and shall set out the reasons for the requested special meeting.

Request in

(8) Upon receipt of a request under subsection (6), the Special Board shall call and convene the meeting in accordance with convened the by-laws.

(9) No by-law or change to an existing by-law is effective until it is ratified by the voting members of the Association at an annual, general or special meeting.

By-laws to

(10) The by-laws shall be open to examination by the public at the head office of the Association during normal office hours.

By-laws open to public

7.—(1) The Association shall grant a membership in the Membership Association to every person who applies therefor in accordance with the by-laws if the person,

- (a) is not less than eighteen years of age;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership;
- (c) has passed such examinations as the Board may set or approve in accordance with the by-laws; and
- (d) in the opinion of the Board, is likely to carry on the practice of wood energy technology in accordance with law and with integrity and honesty.
- (2) The by-laws shall provide that an application for mem-Hearing bership may be refused or a disciplinary sanction may be imposed only after a hearing.
- (3) The Registrar shall keep a register in which shall be Register entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.
- (4) The register shall be open to examination by the public Register at the head office of the Association during normal office public hours.

Appeals

(5) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court in accordance with the rules of court from the refusal to grant membership or from the sanction.

Record

(6) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Power of court

(7) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper and, for such purposes, the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designation

**8.**—(1) Every member of the Association may use the designation "Registered Wood Energy Technician" and may use after the member's name the initials "A.R.W.E.T.O." indicating that the member is a Registered Wood Energy Technician in Ontario.

Offence

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Wood Energy Technician" or "A.R.W.E.T.O." along or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a Registered Wood Energy Technician is guilty of an offence.

Unregistered

(3) No person who is not a Registered Wood Energy Technician may bring an action in Ontario in any court or collect fees, compensation or other remuneration for services performed as a Registered Wood Energy Technician.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the Registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certificate upon such copy of the register purporting to be signed by a person in that person's capacity as Registrar is proof, in the absence of evidence to the contrary, that such a

person is the Registrar without any proof of that person's signature or that the person is the Registrar.

- (5) The absence of the name of any person from a copy of Idem the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.
- 9.—(1) The Board shall cause the removal of the name of Removal a member from the register,
  - (a) at the request or with the written consent of the member whose name is to be removed:
  - (b) where the name has been incorrectly entered;
  - (c) where notification is received of a member's death:
  - (d) where the registration of a member has been suspended or revoked through disciplinary proceedings.
- (2) Subject to subsection (3), the Board, on such grounds Restoration as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of,

- (a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and
- (b) such additional sum as may be prescribed by the bylaws.
- (3) Where the name of a person who has been suspended Idem or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the Board may by resolution direct that the name be restored subject to such terms and conditions as the Board may impose.
- 10. The Board shall cause a certificate of membership to Certificate of be issued each year to every person whose name is entered in the register and the certificate shall state the date upon which it expires, the type of membership and every condition and limitation imposed on the person to whom the certificate is issued.

membership

Right to practise unaffected 11. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a wood energy technician in the Province of Ontario.

Surplus

**12.** All surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and no surplus shall be divided among its members.

Liability

- 13. No action or other proceeding for damages shall be instituted against,
  - (a) the Association, the Board or a committee of the Association;
  - (b) a member of the Association, the Board or a committee of the Association; or
  - (c) an officer, employee, agent or appointee of the Association,

for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Commencement **14.** This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the Association of Registered Wood Energy Technicians of Ontario Act, 1988.

### **SCHEDULE**

Edward Catton

Robert Galt

Pamela Howard

Robert Leman

Arthur Olson

frey. Cyr

# Bill Pr22

(Chapter Pr17 Statutes of Ontario, 1988)

## An Act respecting the City of Mississauga

Mr. Offer

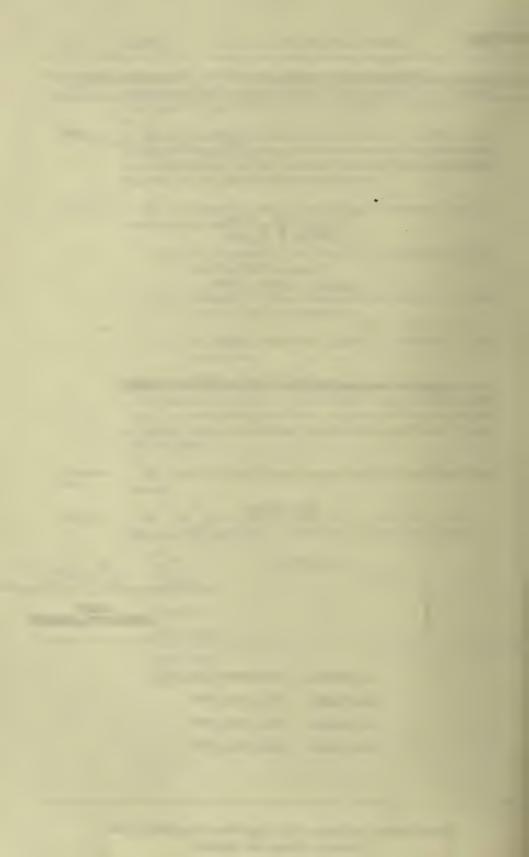
CLERK LEGISLATIVE ASSEMBLY

1st Reading December 17th, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act respecting the City of Mississauga

Whereas The Corporation of the City of Mississauga hereby Preamble applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

#### 1. In this Act,

Definitions

"Corporation" means The Corporation of the City of Mississauga;

"council" means the council of The Corporation of the City of Mississauga.

2.—(1) The council may pass by-laws for providing pen- By-laws sions for members of the council and their surviving spouses and children in respect of both current and prior service on council in an amount not exceeding 1.5 per cent of pensionable earnings multiplied by the total number of years and part of a year of credited service up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the Ontario Municipal Employees Retirement R.S.O. 1980, System Act.

respecting

(2) In subsection (1), "credited service" and "pensionable Definitions earnings" have the same meaning as in Regulation 724 of Revised Regulations of Ontario, 1980 made under the Ontario Municipal Employees Retirement System Act.

(3) A by-law passed under subsection (1) may provide that Prior service a member of council shall contribute up to 50 per cent of any payments required in respect of benefits for prior service on council and that such payments may be on a deferred basis.

Amendments to by-law

(4) A by-law passed under subsection (1) may be amended to vary the amounts of the pensions under that subsection or the payments required by subsection (3).

Two-thirds vote required

(5) No by-law under subsection (1) and no by-law amending such a by-law shall be passed except on an affirmative vote of at least two-thirds of the council present and voting thereon.

Administration **3.**—(1) The Corporation and the Ontario Municipal Employees Retirement Board or any other qualified person may enter into agreements to administer pensions provided under this Act.

Idem

(2) The Corporation may enter into agreements to administer pensions provided under this Act and the agreement may authorize the Corporation to enter an agreement under subsection (1) with respect to pensions administered under an agreement made under this subsection.

**Deductions** 

(3) The Corporation shall deduct by instalments from the remuneration of a member of council the amount that the member is required to pay under the terms of a pension plan established under this Act.

Non-application R.S.O. 1980, c. 347 **4.** Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Municipal Board approval with respect to pensions provided under this Act.

Transition

5. A pension may be provided under this Act to a person who was a member of council on the 1st day of January, 1987, even though the person is not a member of council on the day the by-law establishing the pension plan is passed and the pension may be paid retroactive to that date.

Commencement **6.** This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the City of Mississauga Act, 1988.

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# Bill Pr23

(Chapter Pr6 Statutes of Ontario, 1988)

## An Act to revive Sudbury Cardio-Thoracic Foundation

Mr. Campbell

1st Reading November 17th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



### An Act to revive **Sudbury Cardio-Thoracic Foundation**

Whereas Gary Kivinen hereby represents that the Sudbury Preamble Cardio-Thoracic Foundation, herein called the Corporation. was incorporated by letters patent dated the 7th day of May, 1965: that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982 and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicant Gary Kivinen was a director and officer of the Corporation at the time of its dissolution and is an officer of the on-going organization; that the default occurred by reason of inadvertence; that the applicant was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to promote, encourage, assist and fund research and scholarship into and to provide facilities for the study of diseases and disorders of the circulatory and pulmonary systems and related illnesses; that the Corporation at the time of its dissolution was performing that function and since that time that function has continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the appli-

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

cation:

1. Sudbury Cardio-Thoracic Foundation is hereby revived Corporation and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts

as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Sudbury Cardio-Thoracic Foundation Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

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# Bill Pr24

(Chapter Pr18 Statutes of Ontario, 1988)

## An Act respecting the Hamilton Civic Hospitals

Ms Collins

CLERK
LEGISLATIVE ACSEMBLY

1st Reading December 7th, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act respecting the Hamilton Civic Hospitals

Whereas the Hamilton Civic Hospitals, herein called the cor- Preamble poration, hereby represents that it was incorporated by The Hamilton Civic Hospitals Act, 1961-62, being chapter 152, under the name "The Board of Governors of the Hamilton Civic Hospitals"; that by supplementary letters patent dated the 17th day of May, 1977, the name of the corporation was changed to "Hamilton Civic Hospitals"; and whereas the special Act was revised by The Hamilton Civic Hospitals Act, 1978, being chapter 121; and whereas The Regional Municipality of Hamilton-Wentworth and the corporation wish to revise the corporation's Act of incorporation so that the Regional Municipality will no longer be responsible for the operating grants or operational debt of the corporation and so that the regional representation on the board of directors of the corporation is decreased; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

**Definitions** 

"board" means the board of directors of the corporation;

"City" means The Corporation of the City of Hamilton;

"city council" means the council of the City;

"hospitals" means the hospitals and related facilities operated by the corporation;

"Region" means The Regional Municipality of Hamilton-Wentworth:

"regional council" means the council of The Regional Municipality of Hamilton-Wentworth.

Corporation continued

**2.** Hamilton Civic Hospitals is hereby continued as a corporation without share capital and shall be composed of those persons who comprise its board.

Objects and purposes

**3.** The objects and purposes of the corporation are to operate, maintain and manage the hospitals.

Board of directors

- **4.**—(1) The board shall be constituted as follows:
  - 1. The mayor of the City but, if the mayor is unwilling or unable to be a member of the board, a member of city council appointed by city council for the remainder of the term for which the mayor was elected.
  - 2. The chairman of the Region or, if the chairman is unwilling or unable to be a member of the board, a member of the regional council appointed by regional council for the remainder of the term for which the chairman was elected or appointed.
  - 3. One person appointed by and from the regional council for the term of the regional council, so long as that person remains a member of the regional council.
  - 4. One person appointed by and from the city council for the term of the city council, so long as that person remains a member of the city council.
  - 5. The president of the Volunteer Association of Hamilton Civic Hospitals.
  - 6. Sixteen persons appointed by the city council for a term of four years of whom eight shall be nominated by the city council and eight shall be nominated by The Hamilton Civic Hospitals Foundation.

R.S.O. 1980, c. 410 7. Such persons as are provided for under the *Public Hospitals Act*.

Transition

(2) Every member of the board in office immediately before the coming into force of this Act shall continue to hold office until the term of office of the member expires.

Eligibility

(3) A person elected to the regional council or the city council is not eligible to be appointed a member of the board under paragraph 6 of subsection (1) during the term for which that person was elected.

(4) If a vacancy occurs in the membership of the board, the Vacancy body who appointed the member shall appoint a person to fill the vacancy and the appointee shall hold office for the remainder of the unexpired term of the vacating member.

(5) Members of the board are eligible for reappointment.

Reappointment

(6) The board shall meet at least once every three months.

Meetings of board

(7) The board may elect from the members an executive committee consisting of not less than three and not more than seven members and delegate to the executive committee any of its powers.

Executive committee

(8) Nine members constitute a quorum of the board.

Ouorum

(9) The members of the board shall serve without remuneration except for actual disbursements incurred in connection with the affairs of the corporation and approved by the board.

Remuner-

#### 5. The board may,

**Powers** 

(a) subject to the Public Hospitals Act, enact by-laws for the general management, operation and maintenance of the hospitals;

R.S.O. 1980,

(b) subject to the Health Insurance Act, fix the fees to be charged to patients for accommodation in and services rendered by the hospitals;

R.S.O. 1980,

(c) invest any funds of the corporation in such securities as are authorized by law for investment by trustees under the Trustee Act; and

R.S.O. 1980,

- (d) subject to the Public Hospitals Act, plan, contract for and supervise the erection, equipping and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes.
- **6.**—(1) All personal property used by the corporation in the operation of the hospitals is vested in the corporation.

Personal property

(2) The lands, buildings and fixtures owned by the City on Property the day this Act comes into force for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes.

Sale or disposal of property owned by City

- (3) The City shall not sell or otherwise dispose of any lands, building or fixtures used for hospital purposes unless,
  - (a) they are no longer required for hospital purposes; and
  - (b) the corporation consents to the sale or disposal.

Liabilities

7. The corporation is responsible for the payment of all liabilities in respect of the general management, operation and maintenance of the hospitals.

Auditor R.S.O. 1980, c. 405 **8.**—(1) The board shall appoint a public accountant licensed under the *Public Accountancy Act* as auditor of the corporation.

Annual report

(2) The annual report of the corporation shall be submitted to city council.

Gift, etc.

**9.** All gifts, trusts, bequests, devises and grants of real or personal property in a deed or will to the City Hospital of Hamilton, now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or Hamilton Civic Hospitals shall, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the corporation and, in the case of real property, to the City for the purposes of the corporation.

Right of recourse

**10.** Any payment made by the Region of an account to it by the corporation for treatment of a patient or for any expenses of burial of a deceased patient may be recovered by the Region in the same manner as a municipality under section 24 or 25 of the *Public Hospitals Act*.

R.S.O. 1980, c. 410

Claims against corporation 11. All claims, accounts and demands arising from or relating to the management, operation or maintenance of the hospitals, or from the exercise of any of the powers of the board, shall be made upon and brought against the corporation and not upon or against the City or the Region.

Insurance

12. The corporation shall carry adequate insurance on property used by the corporation in the operation of the hospitals including public liability and indemnity insurance in connection with the general management, operation and maintenance of the hospitals.

Repeal

13. The Hamilton Civic Hospitals Act, 1978, being chapter 121, is repealed.

- 14. This Act comes into force on the day it receives Royal Commencement Assent.
- 15. The short title of this Act is the Hamilton Civic Hospi-Short title tals Act, 1988.



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# Bill Pr25

(Chapter Pr19 Statutes of Ontario, 1988)

## An Act respecting Kingsway General Insurance Company

Mr. Cousens

CLERK

1st Reading December 9th, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act respecting **Kingsway General Insurance Company**

Whereas Kingsway General Insurance Company, herein called Preamble the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 19th day of August, 1986; that the said letters patent were amended by supplementary letters patent dated the 18th day of November, 1986; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

1987

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under the Application Corporations Act, the Company may apply to the Minister of Consumer Consumer and Corporate Affairs of Canada or such other and Minister of Canada responsible therefor for letters patent continuing the Company as if it had been incorporated under an authorized Act of the Parliament of Canada and providing inter alia that R.S.O. 1980, all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Corporate

2. Upon the issue of the letters patent referred to in sec- Items to be tion 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and, on and after the date of the filing of such notice, the Corpora- R.S.O. 1980, tions Act shall cease to apply to the Company.

3. The Minister of Consumer and Commercial Relations Minister's may, on receipt of the notice and certified copy of the letters

certificate

patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Kingsway General Insurance Company Act, 1988.

36 ELIZABETH II, 1987

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# Bill Pr26

(Chapter Pr7 Statutes of Ontario, 1988)

### An Act to revive 353583 Ontario Limited

Mr. Kanter

1st Reading November 9th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



#### An Act to revive 353583 Ontario Limited

Whereas Allistair Lorne Campbell and Sydney Chertkoff Preamble hereby represent that 353583 Ontario Limited, hereinafter called the Corporation, was incorporated by articles of incorporation dated the 11th day of March, 1977; that the Minister of Consumer and Commercial Relations by order dated the 22nd day of March, 1982 and made under subsection 242 (3) of the Business Corporations Act, cancelled the certificate of R.S.O. 1980, incorporation of the Corporation for default in complying with the Corporations Tax Act and declared the Corporation to be R.S.O. 1980, dissolved on the 22nd day of March, 1982; that the applicants were all the directors and the holders of 99 per cent of the common shares of the Corporation at the time of its dissolution; that the failure to comply with the Corporations Tax Act was by reason of inadvertence on the part of the Corporation when its books and records were wrongfully appropriated by a disgruntled employee; that the illness and ultimate death of the former solicitor of the Corporation prevented the timely filing of articles of revival under the Business Corporations 1982, c. 4 Act. 1982; that the Corporation at the time of its dissolution was carrying on active business and has continued to carry on such business since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. 353583 Ontario Limited is hereby revived and is, subject Revival to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities. contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the 353583 Ontario Limited Act, 1988.

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# Bill Pr27

(Chapter Pr20 Statutes of Ontario, 1988)

## An Act respecting the Ontario Municipal Management Institute

Mr. Campbell

CLERK LEGISLATIVE ASSEMBLY

1st Reading December 22nd, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1987

### An Act respecting the **Ontario Municipal Management Institute**

Whereas the Ontario Municipal Management Development Preamble Board hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 24th day of May, 1979; that the Ontario Municipal Management Development Board desires to be continued as a corporation under the name of the Ontario Municipal Management Institute, herein called the Institute, for the purpose of carrying out the objects of the Institute and of the government and discipline of its members; and whereas the Institute desires to grant to its members the exclusive right to use certain designations and abbreviations thereof as set out in section 7; and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

Definitions

"board" means the board of directors of the Institute;

"registered" means registered as a member under this Act and "registration" has a corresponding meaning;

"registrar" means the registrar of the Institute.

2.—(1) The corporation known as the Ontario Municipal Board Management Development Board is hereby continued as a corporation without share capital under the name of the Ontario Municipal Management Institute and the persons registered as members of the Institute on the day this Act comes into force and such other persons as hereafter become members of the Institute constitute the corporation.

(2) The members of the board of directors and the officers Continuation of the Institute in office immediately before the coming into officers

force of this Act are hereby continued in office until their successors are elected or appointed in accordance with this Act and the by-laws of the Institute.

Letters patent revoked (3) The letters patent of the Institute are revoked, but the revocation does not affect the rights or obligations of the Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act incorporated

(4) The Institute shall be deemed to be a corporation incorporated by a special Act.

Objects

- 3. The objects of the Institute are,
  - (a) to administer a professional development and recognition system for municipal management;
  - (b) to organize and administer management training seminars;
  - (c) to promote effective relationships with educational institutions to assure a basic understanding of local governments;
  - (d) to prepare publications on municipal management topics;
  - (e) to provide an information service concerning management policies in Ontario municipalities; and
  - (f) to provide a data base on training, developmental and educational opportunities for those pursuing a career in municipal management.

Board of directors

**4.**—(1) The affairs of the Institute shall be managed by a board of directors.

Composition

(2) The board shall consist of not fewer than ten or more than sixty members of the Institute, as the board may determine by by-law, elected from the membership of the Institute.

Past president (3) The immediate past president of the Institute shall be a member of the board.

Election of board (4) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes and the tenure

of office of members of the board shall be set out in the bylaws of the Institute.

(5) The directors shall serve without remuneration and no No director shall directly or indirectly receive any profit from his or her position but the directors may be paid reasonable expenses incurred by them in the performance of their duties.

(6) At any meeting of the board, a majority of the mem-Quorum bers of the board constitutes a quorum.

(7) The board shall appoint from its number a president President, and vice-president and shall appoint a secretary who need not be a member of the board.

(8) The board may appoint such other persons as are neces-Other sary to perform the work of the Institute.

appointments

(9) In the case of the death, resignation or incapacity of Vacancies any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term.

(10) The board shall appoint a registrar, who need not be a Registrar member of the board, and the registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the board.

5.—(1) The board may pass by-laws regarding such mat- By-laws ters as are necessary to conduct the business and carry out the objects of the Institute and, without restricting the generality of the foregoing, the board may pass by-laws,

- (a) establishing the qualifications for and conditions of membership and certification;
- (b) establishing a curriculum and courses of study to be pursued by members and the subjects upon which members of the Institute shall be examined and for granting certificates to candidates who have successfully passed the examinations;
- prescribing rules of behaviour for certified municipal managers and providing for the suspension, expulsion or other penalty for a contravention of the rules of behaviour:
- (d) prescribing fees payable to the Institute;

- (e) governing the calling, holding and conducting of meetings of the board and of the members of the Institute;
- (f) authorizing the spending of funds for any purpose that may tend to advance the knowledge and education of persons in local governments in the Province of Ontario or improve standards of practice in municipal administration, or support and encourage public information and interest in the past and present role of municipal managers in society;
- (g) providing for the custody and use of the seal of the Institute;
- (h) providing for the manner in which records and the making of reports are maintained and kept for and by the Institute; and
- (i) appointing committees and delegating to a committee the power and authority to act for the board with respect to any matter or class of matters where a majority of the members of the committee are members of the board.

Confirmation of by-law

(2) No by-law passed by the board comes into force until it is confirmed or amended and confirmed by at least two-thirds of the votes cast at an annual meeting or at a special meeting called for the purpose of considering the by-law.

Borrowing by-laws R.S.O. 1980, c. 95 (3) The borrowing power of the Institute under section 59 of the *Corporations Act* is limited to borrowing money for current operating expenses unless it borrows on the security of real or personal property.

Membership

**6.**—(1) The Institute shall grant a membership in the Institute to any person who applies therefor in accordance with the by-laws.

Register

(2) The registrar shall keep a register in which shall be entered the names of all members of the Institute and their status of certification and only those persons so registered are members entitled to the privileges of membership in the Institute.

Inspection of register

(3) The register shall be open to examination by the public at the head office of the Institute during normal office hours.

Appeals

(4) Any person who has been refused membership or certification or who has been subject to a disciplinary sanction

under the by-laws of the Institute may appeal to the Divisional Court, in accordance with the rules of the Court, from the refusal or from the sanction.

(5) Upon the request of a party desiring to appeal to the Certified Divisional Court and upon payment of the fee therefor, the copy of record registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

7.—(1) Every member of the Institute who has satisfied Designations the criteria as set out in the by-laws of the Institute may use the designation "Certified Municipal Manager", "Certified Municipal Manager I", "Certified Municipal Manager II" or "Certified Municipal Manager III", as the case may be, and may use after the member's name the initials "CMM", "CMM I", "CMM II" or "CMM III", respectively.

(2) Any person in Ontario who, not being entitled to do so Offence under subsection (1), takes or uses any designation or any set of initials referred to in subsection (1) either alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that he or she is a certified municipal manager is guilty of an offence.

(3) In every case where certification is an issue, the prod- Evidence uction of a copy of the register, certified under the hand of the registrar, is sufficient evidence of the certification status of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person's capacity as registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without any proof of that person's signature or that the person is the registrar.

(4) The absence of the name of any person from a copy of Idem the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not certified.

8. This Act does not affect or interfere with the right of Right to any person who is not a member of the Institute to practice as unaffected a municipal officer or employee in the Province of Ontario.

9.—(1) The Institute shall be carried on without the pur- Not to be pose of gain for its members and any profits or other accretions to the Institute shall be used in promoting its objects.

(2) Any surplus derived from carrying on the affairs and Surplus business of the Institute shall be devoted and applied solely in

promoting and carrying out its objects and purposes and shall not be divided among its members.

Dissolution

(3) Upon the dissolution of the Institute, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations which carry on their work solely in Ontario.

Filing of annual financial statement Commence-

ment

- (4) The Institute shall file with the Public Trustee an annual audited financial statement.
- 10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the Ontario Municipal Management Institute Act, 1988.

Party Com

# Bill Pr28

(Chapter Pr21 Statutes of Ontario, 1988)

## An Act to revive Mid-Continent Bond Corporation, Limited

Mr. Ray
(Windsor-Walkerville)

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 6th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act to revive Mid-Continent Bond Corporation, Limited

Whereas Peter Kimber McWilliams hereby represents that Preamble Mid-Continent Bond Corporation, Limited, herein called the Corporation, was incorporated by letters patent dated the 7th day of December, 1928; that by order-in-council dated the 13th day of December, 1951 and made under the authority of subsection 29 (2) of The Companies Act, being chapter 59 of the Revised Statutes of Ontario, 1950, the letters patent of the Corporation were cancelled for default in filing annual returns and the Corporation was dissolved on the 3rd day of January, 1952: that the applicant is the sole executor of the estate of Marjorie Crawford McWilliams, deceased, a director and officer of the Corporation; that Marjorie Crawford McWilliams was the sole executrix and sole beneficiary of her father, William Crawford Goffatt, deceased, who was also a director and the sole shareholder of the Corporation at the time of dissolution; that the Corporation at the time of dissolution owned certain interests in real property; that the applicant wishes to revive the Corporation so that it may deal with the real property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Mid-Continent Bond Corporation, Limited is hereby Corporation revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Mid-Continent Bond Corporation, Limited Act, 1988.

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## Bill Pr29

(Chapter Pr22 Statutes of Ontario, 1988)

An Act respecting The United Church of Canada and The Canada Conference The Evangelical United Brethren Church

Mr. Epp

CLERK
LEGISLATIVE ASSEMBLY

1st Reading November 9th, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act respecting The United Church of Canada and The Canada Conference The Evangelical United Brethren Church

Whereas The United Church of Canada was incorporated by Preamble The United Church of Canada Act (Canada) and was given S.C. 1924, certain powers respecting property and other rights by The United Church of Canada Act, being chapter 125 of the Statutes of Ontario, 1925; and whereas Canada Conference Evangelical Church was incorporated under An Act to incorporate the Canada Conference Evangelical Church, being chapter 112 of the Statutes of Ontario, 1930; and whereas by the Statutes of Ontario, 1950, chapter 93, the name of Canada Conference Evangelical Church was changed to The Canada Conference The Evangelical United Brethren Church; and whereas The Canada Conference The Evangelical United Brethren Church became part of The United Church of Canada on the 1st day of January, 1968 pursuant to the ecclesiastical laws of The Evangelical United Brethren Church as declared in the Episcopal Declaration of the Board of Bishops dated the 18th day of July, 1967; and whereas, by action of the 22nd General Council of The United Church of Canada in September, 1966, the plan of union between The Canada Conference The Evangelical United Brethren Church and The United Church of Canada was approved and the Executive of General Council was authorized to carry out the plan in co-operation with The Canada Conference The Evangelical United Brethren Church: and whereas The United Church of Canada and The Canada Conference The Evangelical United Brethren Church hereby apply for special legislation to transfer all present and future assets of The Canada Conference The Evangelical United Brethren Church to The United Church of Canada and to dissolve The Canada Conference The Evangelical United Brethren Church; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Dissolution

**1.** The Canada Conference The Evangelical United Brethren Church is dissolved.

Transfer of property

2. All real and personal property within the Province of Ontario belonging to or held in trust for or for the use of The Canada Conference The Evangelical United Brethren Church or any congregation, corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of, or in connection with, The Canada Conference The Evangelical United Brethren Church is vested in The United Church of Canada.

Transfer of liabilities

**3.** All liabilities and contracts of The Canada Conference The Evangelical United Brethren Church are liabilities and contracts of The United Church of Canada.

Gifts, etc.

**4.** Any gift, devise or bequest heretofore or hereafter made to or intended to be made to The Canada Conference The Evangelical United Brethren Church, or to any congregation, corporation, board, committee or other body, whether incorporated or unincorporated, functioning under the government or control of, or in connection with, The Canada Conference The Evangelical United Brethren Church or Canada Conference Evangelical Church shall be paid, transferred and vested in The United Church of Canada and shall be the property of The United Church of Canada.

Private instruments

**5.** A reference to The Canada Conference The Evangelical United Brethren Church in any instrument shall be deemed to be a reference to The United Church of Canada.

Repeal

6. An Act to incorporate the Canada Conference Evangelical Church, being chapter 112 of the Statutes of Ontario, 1930, and The Canada Conference The Evangelical United Brethren Church Act, 1950, being chapter 93, are repealed.

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is The United Church of Canada Act, 1988.

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## Bill Pr30

(Chapter Pr23 Statutes of Ontario, 1988)

### An Act respecting The General Hospital of Port Arthur

Mr. Kozyra

CLERK LEGISLATIVE ASSEMBLY

1st Reading December 3rd, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1987

### An Act respecting The General Hospital of Port Arthur

Whereas The General Hospital of Port Arthur hereby repre- Preamble sents that it is recited in the earliest records of the hospital corporation that The Railway, Marine and General Hospital of Port Arthur was incorporated under An Act respecting Benevolent, Provident and other Societies, being chapter 172 of the Revised Statutes of Ontario, 1887, on the 18th day of February, 1907; that one of the requirements for incorporation under such Act is the filing of a declaration either with the Provincial Registrar or the Clerk of the Peace in the county where the hospital corporation is to hold its annual and general meetings; that no copy of the declaration can be found nor any record of the filing located; that the name of the hospital corporation was changed to The General Hospital of Port Arthur by order of the Provincial Secretary on the 19th day of February, 1918; that it is desirable to confirm the corporate existence of The General Hospital of Port Arthur as of the 18th day of February, 1907; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "hospital corporation" means The General Definition Hospital of Port Arthur.
- 2. The hospital corporation shall be deemed to have been Corporate validly incorporated without share capital under the laws of confirmed the Province of Ontario on the 18th day of February, 1907.
- 3. The objects of the hospital corporation are and shall be Objects confirmed deemed to have always been,
  - (a) to operate, maintain and manage a hospital; and

R.S.O. 1980, c.410 (b) subject to the *Public Hospitals Act*, to manage all the real and personal property used for the purposes of the hospital corporation.

Corporate acts confirmed

- **4.** No act done by the hospital corporation shall be set aside or invalidated on the grounds that its incorporation cannot be proven and, in particular, the following are hereby ratified and confirmed, namely,
  - (a) the constitution of the board of directors of the hospital corporation;
  - (b) the by-laws and resolutions of the hospital corporation; and
  - (c) the location of the head office of the hospital corporation at the City of Thunder Bay.

Property

5. The hospital corporation may receive by grant, gift, devise or otherwise, any real or personal property for the purposes of the hospital corporation.

Commencement 6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the General Hospital of Port Arthur Act, 1988.

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## Bill Pr31

(Chapter Pr24 Statutes of Ontario, 1988)

### An Act respecting the City of North York

Mr. Polsinelli

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 26th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



#### An Act respecting the City of North York

Whereas The Corporation of the City of North York, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1.—(1) In this section,

Definitions

"business premises" means any building or part thereof used or intended for use for commercial or industrial purposes;

"multiple residential premises" means any building containing more than one dwelling unit.

- (2) The council of the Corporation may pass by-laws,
- **Bv-laws** respecting garbage removal, grass and
- (a) requiring the owners of multiple residential premises and the owners or occupants of business prem- weed cutting ises in the municipality to clear away and remove garbage or other debris from the public highways abutting their lands except the portions thereof used for motor vehicle traffic:
- (b) requiring the owners or occupants of private property in the municipality or in any defined area thereof to cut the grass and weeds on their land and to remove the cuttings whenever the growth of grass or weeds exceeds twenty centimetres in height or such greater height as the by-law may provide; and
- despite clause (b), providing for the cutting of grass and weeds and for the removal thereof at the expense of the municipality on private property owned or occupied by any class or classes of persons.

Written notice (3) No step shall be taken to enforce a by-law passed under subsection (2) until the owner or occupant of the land has been given a written notice requiring compliance with the by-law within the time specified in the notice but no sooner than seventy-two hours after the giving of the notice.

Service of notice

(4) A notice under subsection (3) may be given by personal service upon the person to whom it is directed or by sending it by certified mail to such person.

Idem

(5) A notice under subsection (3) sent by certified mail shall be sent to the last known address of the person to whom it is directed and it shall be deemed to have been given on the day it is delivered to that address.

Limitations

(6) Nothing in this section affects any right or duty of the Corporation with respect to any highway right of way.

By-laws respecting overnight parking 2.—(1) The council of the Corporation may pass by-laws for prohibiting the parking of motor vehicles on all public highways within the jurisdiction of the Corporation at any time between the hours of 2 o'clock in the forenoon and 6 o'clock in the forenoon from the 1st day of December of each year up to and including the 31st day of March of the next year.

Parking signs

(2) A by-law passed under subsection (1) shall provide for the erection and maintenance of such signs advising of the prohibition as the council considers appropriate.

Charges for heavy loads on sewer, water systems R.S.O. 1980, **3.** Despite paragraph 2 of subsection 215 (6) of the *Municipal Act*, the council may by by-law provide that the exemption under the said paragraph 2 shall be limited to the extent that the load to be placed upon the sewer or water system by a building to be erected or enlarged does not exceed the load which the sewer or water system installed under subdivision agreement was designed to accept from the land upon which the building is located.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the City of North York Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

Pennenty. Cefor

### Bill Pr32

(Chapter Pr50 Statutes of Ontario, 1988)

### An Act to revive LaPlante Lithographing Company Limited

Mr. Velshi

CLERK LEGISLATIVE ASSEMBLY

1st Reading November 9th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



### An Act to revive LaPlante Lithographing Company Limited

Whereas Harry Francis LaPlante, Harry Warner LaPlante and Preamble Barbara LaPlante hereby represent that LaPlante Lithographing Company Limited, herein called the Corporation, was incorporated by letters patent dated the 7th day of November, 1949: that the Minister of Consumer and Commercial Relations by order dated the 20th day of December, 1982, and made under the authority of section 242 of the Business Corporations Act, being chapter 54 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation for default in complying with the Corporations Tax Act and R.S.O. 1980, declared the Corporation to be dissolved on the 20th day of December, 1982; that Harry Francis LaPlante, Harry Warner LaPlante and Barbara LaPlante were all the directors and the holders of the common shares of the Corporation at the time of its dissolution; that the Corporation at the time of dissolution was inactive but that it is desirable to revive the Corporation so that it is able to preserve and pursue its interests in any assets it may have; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. LaPlante Lithographing Company Limited is hereby Revival revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is LaPlante Lithographing Company Limited Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

Bill Pr33

(Chapter Pr34 Statutes of Ontario, 1988)

An Act to revive
The Vic Johnston Community Centre Inc.

Mr. Offer

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 26th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to revive The Vic Johnston Community Centre Inc.

resent that The Vic Johnston Community Centre Inc., herein

called the Corporation, was incorporated by letters patent dated the 14th day of July, 1961; that the Minister of Consumer and Commercial Relations, by order dated the 8th day of September, 1982 and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September. 1982; that the applicants are directors of the on-going organization carried on in its name; that notice of default was apparently sent to the Corporation at its address shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of

the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the social and other functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore. Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Vic Johnston Community Centre Inc. is hereby Corporation revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Whereas Ross Edward Irwin and George Bentley hereby rep- Preamble

Commencement

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Vic Johnston Community Centre Inc. Act, 1988.

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## Bill Pr34

(Chapter Pr25 Statutes of Ontario, 1988)

### An Act to revive Machin Mines Limited

Mr. Kanter

CLERK
LEGISLATIVE ASSEMBLY

1st Reading February 9th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



#### An Act to revive Machin Mines Limited

Whereas John P. Rapski hereby represents that Machin Mines Preamble Limited, herein called the Corporation, was incorporated by letters patent dated the 31st day of July, 1961; that the Minister of Consumer and Commercial Relations by order dated the 6th day of March, 1979 and made under the authority of subsection 251 (3) of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with The Corporations Tax Act, 1972, being chapter 143, and declared that the Corporation be dissolved on the 6th day of March, 1979; that the default occurred by reason of inadvertence; that the applicant wishes to revive the Corporation in order to carry on active business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario,

enacts as follows:

1. Machin Mines Limited is hereby revived and is, subject Corporation to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Machin Mines Limited Short title Act, 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO

Tens. Gov

37 ELIZABETH II, 1988

## Bill Pr35

(Chapter Pr35 Statutes of Ontario, 1988)

### An Act to revive Primrock Mining and Exploration Limited

Mr. Henderson

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 12th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



### An Act to revive **Primrock Mining and Exploration Limited**

Whereas Daniel Gallo and Lorne McCarthy hereby represent Preamble that Primrock Mining and Exploration Limited, herein called the Corporation, was incorporated by letters patent dated the 2nd day of March, 1965; that the Minister of Consumer and Commercial Relations by order dated the 16th day of March, 1976 cancelled the certificate of incorporation of the Corporation for default in complying with section 134 of The Securities Act, being chapter 426 of the Revised Statutes of Ontario, 1970 and declared the Corporation to be dissolved on the 16th day of March, 1976; that the illness and ultimate death of both of the major shareholders of the Corporation prevented the timely filing of articles of revival; that each of the applicants is a relative of one of the deceased shareholders and represents the estate of that deceased shareholder; that active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Primrock Mining and Exploration Limited is hereby Revival revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Primrock Mining and Short title Exploration Limited Act, 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO 37 ELIZABETH II, 1989 1<sup>re</sup> SESSION, 34° LÉGISLATURE, ONTARIO 37 ELIZABETH II, 1989

Projet de loi Pr36

# Bill Pr36

(Chapter Pr2 Statutes of Ontario, 1989)

An Act respecting
Association des traducteurs
et interprètes de l'Ontario—
The Association of
Translators and Interpreters
of Ontario

Mr. Poirier

1st Reading January 11th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989

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# Projet de loi Pr36

(Chapitre Pr2 Lois de l'Ontario de 1989)

Loi concernant
l'Association des traducteurs
et interprètes de l'Ontario—
The Association of
Translators and Interpreters
of Ontario

M. Poirier

CLERK

CLERK LEGISLATIVE ASSEMBLY

1<sup>re</sup> lecture 11 janvier 1989

2<sup>e</sup> lecture 23 février 1989

3e lecture 23 février 1989

sanction royale 27 février 1989

Imprimé avec l'autorisation de l'Assemblée législative par ©l'Imprimeur de la Reine pour l'Ontario

1989

### An Act respecting Association des traducteurs et interprètes de l'Ontario—The Association of Translators and Interpreters of Ontario

Preamble

Whereas Association des traducteurs et interprètes de l'Ontario—The Association of Translators and Interpreters of Ontario, herein called the Association, hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 2nd day of March, 1921; that supplementary letters patent dated the 10th day of September, 1962 changed the name of the Association to that set out herein; and whereas the Association wishes to continue as a corporation for the purpose of carrying out the objects of the Association and governing and disciplining its members; and whereas the Association considers it desirable to grant to members of the Association the exclusive right to use certain designations as set out in section 8; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definition

1. In this Act, "council" means the council of the Association. ("conseil")

Corporation continued

2.—(1) The Association is continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and other persons who become members of the Association constitute the corporation.

Continuation of present council

(2) The members of the council and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed in accordance with this Act and the by-laws of the Association.

### Projet de loi Pr36

1989

Loi concernant l'Association des traducteurs et interprètes de l'Ontario-The Association of **Translators and Interpreters of Ontario** 

Attendu que l'Association des traducteurs et interprètes de Préambule l'Ontario—The Association of Translators and Interpreters of Ontario, ci-après dénommée l'Association, déclare par la présente avoir été constituée en vertu des lois de l'Ontario par lettres patentes en date du 2 mars 1921 et avoir adopté le nom ci-dessus par lettres patentes supplémentaires en date du 10 septembre 1962; et attendu que l'Association souhaite son maintien comme personne morale pour accomplir ses objectifs, gouverner ses membres et faire régner la discipline dans ses rangs; et attendu que l'Association souhaite réserver à ses membres le droit exclusif d'utiliser certaines désignations énoncées à l'article 8; et attendu que l'Association demande par la présente qu'une loi spéciale soit adoptée à ces fins; et attendu qu'il y a lieu d'accéder à cette demande;

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit:

1 Dans la présente loi, «conseil» s'entend du conseil de Définition l'Association. («council»)

2 (1) L'Association est maintenue comme personne morale sans capital-actions. Les personnes inscrites comme membres de l'Association le jour où la présente loi entre en vigueur et celles qui deviennent membres à une date ultérieure constituent la personne morale.

Maintien de

(2) Les membres du conseil et les dirigeants de l'Associa- Maintien du tion en fonction immédiatement avant l'entrée en vigueur de la présente loi sont maintenus dans leurs fonctions jusqu'à ce que leurs successeurs soient élus ou nommés conformément à la présente loi et au règlement intérieur de l'Association.

Letters patent revoked (3) The letters patent of the Association are revoked, but the revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act, corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

- 3. The objects of the Association are,
  - (a) to provide a collective voice for its members;
  - (b) to promote the professional development of its members;
  - (c) to ensure that members exercise high standards of ethical conduct;
  - (d) to publicize the role performed by its members in society;
  - (e) to establish standards of competency and certification examinations and to monitor the quality of the professional services rendered by its members;
  - (f) to examine any complaints received that pertain to the competence or professional conduct of a member;
  - (g) to support and protect the collective status, dignity and integrity of professional translators and interpreters;
  - (h) to provide its members with services designed to meet their professional needs; and
  - (i) to maintain amicable and professional relations with similar organizations inside and outside Canada.

Council

**4.**—(1) The affairs of the Association shall be managed by a council.

Composition of council

(2) The council shall consist of not fewer than four or more than twenty-five persons, as the council may determine by by-law, elected from the membership of the Association.

Election of board members (3) The manner of electing the members of the council, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers

(3) Les lettres patentes de l'Association sont révoquées. Révocation des lettres Cette révocation n'a aucune incidence sur les droits ou obligations de l'Association, ni sur les règlements, résolutions ou nominations de l'Association, sauf dans la mesure où ils sont incompatibles avec la présente loi.

(4) L'Association est réputée une personne morale consti- Loi spéciale, tuée par loi spéciale.

morale

3 Les objectifs de l'Association sont les suivants :

Objectifs

- a) donner à ses membres une voix collective:
- promouvoir le perfectionnement professionnel de b) ses membres:
- veiller à ce que ses membres respectent des normes élevées de déontologie;
- d) faire connaître le rôle de ses membres dans la société:
- établir des critères de compétence, mettre sur pied des examens d'agrément et surveiller la qualité des services professionnels fournis par ses membres;
- examiner les plaintes reçues au sujet de la compéf) tence ou du comportement professionnel d'un mem-
- g) promouvoir et protéger la situation, la dignité et l'intégrité collectives des traducteurs et interprètes professionnels;
- fournir à ses membres des services destinés à pourh) voir à leurs besoins professionnels;
- i) entretenir des rapports amicaux et professionnels avec des organismes similaires au Canada et à l'étranger.
- 4 (1) Le conseil gère les affaires de l'Association.

Conseil

(2) Le conseil se compose de quatre personnes au moins et Composition de vingt-cinq personnes au plus élues parmi les membres de l'Association, selon ce que le conseil fixe par règlement.

(3) Le règlement intérieur de l'Association précise les Élection des modalités relatives à l'élection des membres du conseil, et conseil notamment le mode de scrutin, le préavis aux électeurs de la date, de l'heure et du lieu des élections, les mises en candida-

at elections, the taking and counting of votes, the term of office of members of the council and other necessary details shall be set out in the by-laws of the Association.

Quorum

(4) At any meeting of the council, two-fifths of the members of the council constitute a quorum.

Officers

(5) The council shall elect or appoint such officers as are prescribed by the by-laws.

Other appointments

(6) The council may appoint such other persons as are necessary to perform the work of the Association.

Vacancies

(7) In the case of the death, resignation or incapacity of any member of the council, the office shall be declared vacant by the council and the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term.

Proxies

- 5. At any annual, general or special meeting, members of the Association may be represented and vote by proxy but,
  - (a) no proxy shall be exercised by a person who is not a member of the Association; and
  - (b) the proxy shall be exercised in accordance with the by-laws.

By-laws

- **6.**—(1) The council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the council may pass by-laws,
  - (a) establishing the qualifications for and conditions of registration for members;
  - (b) prescribing a curriculum and any courses of study to be pursued by students in order to satisfy the certification requirements;
  - (c) establishing and prescribing such classes of membership, the qualifications for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;
  - (d) regulating and governing the conduct of members of the Association in the practice of their business, vocation or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;

ture, les directeurs de scrutin, la collecte et le dépouillement des votes et la durée du mandat des membres du conseil.

- (4) À toute réunion du conseil, les deux cinquièmes des Quorum membres du conseil constituent le quorum.
- (5) Le conseil élit ou nomme les dirigeants que prescrit le Dirigeants règlement intérieur.
- (6) Le conseil peut nommer les autres personnes nécessai- Autres nominations à l'accomplissement des tâches de l'Association.
- (7) En cas de décès, de démission ou d'incapacité d'un Vacances membre du conseil, le conseil déclare le poste vacant et comble cette vacance jusqu'à expiration du mandat de la manière que prévoit le règlement intérieur de l'Association.
- **5** Les membres de l'Association peuvent se faire représenter aux assemblées annuelles, générales et extraordinaires et y voter par procuration, sous réserve des conditions suivantes :
  - a) nul autre qu'un membre de l'Association ne doit se servir d'une procuration;
  - b) la procuration doit être utilisée conformément au règlement intérieur.
- 6 (1) Le conseil peut adopter des règlements régissant Règlements toutes les questions nécessaires à la conduite des affaires de l'Association et à l'accomplissement de ses objectifs, et notamment :
  - a) fixer les qualifications requises pour l'inscription des membres et les modalités de leur inscription;
  - b) prescrire le programme d'études ou les cours que doivent suivre les étudiants pour satisfaire aux critères d'agrément;
  - c) créer et prescrire les catégories de membres, les qualifications requises pour l'admission à ces catégories et les privilèges et restrictions qui se rattachent à chacune d'elles, selon ce qui est nécessaire et conforme à l'intérêt public;
  - d) prescrire un code de déontologie, des règles de conduite professionnelle et des normes de pratique afin de réglementer la conduite des membres de l'Association dans l'exploitation de leur entreprise, dans la poursuite de leur vocation ou dans l'exercice de leur profession;

- (e) providing for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession;
- (f) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence, or failure or refusal to pay any required fee, including the establishment of a discipline committee and procedures therefor;
- (g) prescribing fees payable to the Association;
- (h) governing the calling, holding and conducting of meetings of the council and of the members of the Association;
- (i) providing for an executive committee to have all or such portion of the authority of the council between meetings of the council as may be prescribed therein;
- (j) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (k) authorizing the spending of funds and making of grants for the promotion of its objects;
- (1) providing for the establishment of defined geographical districts within which the members resident or employed therein shall be entitled to elect a member to serve on the council;
- (m) governing the acquisition, management and disposal of the property of the Association and the conduct of its affairs;
- (n) providing for the appointment, removal, functions, duties and remuneration of agents and employees of the Association;
- (o) establishing such committees as the council considers necessary to carry out the business of the Association; and

- e) prévoir l'accueil et l'examen de plaintes adressées à l'Association relativement à la conduite de ses membres dans l'exploitation de leur entreprise ou l'exercice de leur profession;
- f) prévoir la suspension, l'expulsion ou toute autre pénalité pour cause de manquement professionnel, d'incapacité ou d'incompétence ou en cas de défaut ou de refus d'acquitter tout droit requis, ainsi que la création d'un comité de discipline et l'adoption de procédures à cet effet;
- g) prescrire les droits payables à l'Association;
- h) régir la convocation, la tenue et la conduite des réunions du conseil et des assemblées des membres de l'Association;
- i) prévoir un bureau et attribuer à celui-ci tout ou partie des pouvoirs du conseil entre deux réunions de ce dernier, selon ce que prescrivent les règlements;
- j) créer et gérer un fonds de bienfaisance au profit de tout membre de l'Association ou, dans le cas d'un membre décédé, au profit de sa famille, si ceux-ci ont besoin d'une aide financière et, à cette fin, prévoir la collecte de contributions ou de dons et l'apport de fonds de l'Association;
- k) autoriser la dépense de fonds et l'octroi de subventions pour la promotion de ses objectifs;
- prévoir la délimitation de secteurs géographiques et accorder aux membres qui résident ou travaillent dans ces secteurs le droit d'élire un représentant au conseil;
- m) régir l'acquisition, la gestion et l'aliénation des biens de l'Association et la conduite des affaires de celle-ci:
- n) prévoir la nomination, la destitution, les fonctions, les responsabilités et la rémunération des représentants et employés de l'Association;
- o) créer les comités que le conseil estime nécessaires pour mener à bien les affaires de l'Association;

(p) providing for the protection and indemnity of directors, officers and officials acting for the benefit of and on behalf of the Association.

Confirmation of by-laws

(2) No by-law passed by the council comes into force until it is confirmed or amended and confirmed by the general membership at an annual meeting or at a special meeting called for the purpose of considering the by-law.

Membership

- 7.—(1) The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,
  - (a) is not less than eighteen years of age;
  - (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
  - (c) has passed such examinations as the council may set or approve in accordance with the by-laws.

Register

(2) The Association shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection of register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) An individual who is qualified for membership in the Association and who has been refused membership or an individual who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Records

(5) Where a person appeals to the Divisional Court, the Association shall forthwith file in the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Powers of court

(6) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the court considers proper and, for such purposes, the court may substitute its opinion for that

- p) prévoir la protection et l'indemnité des administrateurs, dirigeants (et autres personnes) qui agissent pour le compte de l'Association en son nom.
- (2) Aucun règlement adopté par le conseil n'entre en Ratification vigueur avant d'être, soit ratifié, soit modifié puis ratifié par ments l'ensemble des membres lors d'une assemblée générale annuelle ou lors d'une assemblée extraordinaire convoquée afin d'examiner ce règlement.

7 (1) L'Association accorde la qualité de membre à tout Adhésion particulier qui en fait la demande conformément au règlement intérieur et qui satisfait aux conditions suivantes :

- a) avoir dix-huit ans révolus;
- satisfaire aux critères de formation théorique et prab) tique que précise le règlement intérieur relativement à l'octroi de la qualité de membre;
- c) avoir subi avec succès les examens que le conseil organise ou approuve conformément au règlement intérieur.
- (2) L'Association tient un tableau où sont inscrits les noms Tableau de tous ses membres en règle. Seules les personnes inscrites à ce tableau sont membres et bénéficient des privilèges que confère l'appartenance à l'Association.

(3) Le public peut examiner le tableau au siège social de Examen du l'Association pendant les heures normales de bureau.

(4) Le particulier qui satisfait aux critères d'admission à Appels l'Association et à qui pareille admission a été refusée ou le particulier qui a fait l'objet d'une mesure disciplinaire en vertu du règlement intérieur peuvent interjeter appel du refus d'admission ou de la mesure disciplinaire devant la Cour divisionnaire conformément aux règles de pratique.

(5) Lorsqu'une personne interjette appel devant la Cour Dossier divisionnaire, l'Association dépose sans délai auprès de la Cour les pièces justificatives de l'échec à l'examen d'agrément du refus d'admission ou de la décision du comité qui a imposé des mesures disciplinaires. Ces pièces, accompagnées d'éventuelles transcriptions de témoignages, constituent le dossier d'appel.

d'appel

(6) Les appels interjetés en vertu du présent article peuvent Pouvoirs du porter sur des questions de droit ou de fait, ou les deux, et le tribunal peut confirmer ou annuler une décision, exercer les pouvoirs d'un comité de l'Association et enjoindre cette dernière de prendre toute action qu'il estime opportune et qu'elle

of any committee or of the Association or the court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designations

**8.**—(1) Every member of the Association who is certified by the Association as a translator, conference interpreter, court interpreter or terminologist may use the designation "Certified Translator", "Certified Conference Interpreter", "Certified Court Interpreter" or "Certified Terminologist", as the case may be.

Offence

(2) Any person in Ontario who, not being registered as a certified member of the Association, takes or uses the designation "Certified Translator", "Certified Conference Interpreter", "Certified Court Interpreter" or "Certified Terminologist", either alone or in combination with any other word, name, title or description or implies, suggests or holds out that he or she is a Certified Translator, Certified Conference Interpreter, Certified Court Interpreter or Certified Terminologist is guilty of an offence.

Exception

(3) Subsection (2) does not apply to a person accredited or certified by the Ministry of the Attorney General as a court interpreter.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the secretary of the Association, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certified copy purporting to be signed by a person in that person's capacity as secretary is proof, in the absence of evidence to the contrary, that such a person is the secretary without any proof of that person's signature or that the person is the secretary.

Idem

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from register

- **9.**—(1) The council shall cause the removal of the name of a member from the register,
  - (a) at the request or with the written consent of the member whose name is to be removed;
  - (b) where the name has been incorrectly entered;
  - (c) where notification is received of a member's death; or

est habilitée à prendre. À ces fins, le tribunal peut substituer son opinion à celle de l'Association ou d'un comité de celle-ci; il peut aussi déférer la totalité ou une partie de la question à une seconde audience et donner à cet égard les directives qui lui semblent opportunes.

8 (1) Chaque membre de l'Association agréé par celle-ci Désignations comme traducteur ou traductrice, interprète de conférence, interprète judiciaire ou terminologue peut utiliser la désignation «traducteur (traductrice) agréé(e)», «interprète de conféagréé(e)», «interprète judiciaire agréé(e)» «terminologue agréé(e)», selon le cas.

(2) Est coupable d'une infraction la personne qui, sans être Infraction inscrite auprès de l'Association comme membre agréé, prend ou utilise en Ontario la désignation «traducteur (traductrice) agréé(e)», «interprète de conférence agréé(e)», «interprète judiciaire agréé(e)» ou «terminologue agréé(e)», seule ou apposée à un autre mot, nom, titre ou description, ou qui laisse entendre, suggère ou prétend qu'elle est traducteur ou traductrice agréé(e), interprète de conférence agréé(e), interprète judiciaire agréé(e) ou terminologue agréé(e).

(3) Le paragraphe (2) ne s'applique pas à une personne Exception accréditée ou agréée comme interprète judiciaire par le ministère du Procureur général.

(4) Si une inscription est remise en question, la production Preuve d'une copie du tableau, certifiée conforme par le secrétaire de l'Association, constitue une preuve suffisante de l'inscription des personnes en lieu et place de la production du tableau original. Une copie certifiée conforme qui se présente comme étant signée par une personne en sa qualité de secrétaire fait foi, en l'absence de preuve contraire, que cette personne est le secrétaire, sans autre vérification de la signature de la personne ou de sa qualité de secrétaire.

(5) Le fait que le nom d'une personne ne figure pas sur la Idem copie du tableau produite aux termes du paragraphe (4) fait foi, en l'absence de preuve contraire, que la personne n'est pas inscrite auprès de l'Association.

9 (1) Le conseil raye du tableau le nom d'un membre :

Radiation du

- si le membre concerné en fait la demande ou y consent par écrit;
- b) si l'inscription du nom comporte une erreur;
- c) s'il est avisé du décès du membre;

(d) where the registration of a member has been suspended or revoked through disciplinary proceedings.

Restoration to register

- (2) Subject to subsection (3), the council, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of,
  - (a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and
  - (b) such additional sum as may be prescribed by the by-laws.

Idem

(3) Where the name of a person who has been suspended or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the council may, by resolution, direct that the name be restored subject to such terms and conditions as the council may impose.

Rights not affected

10. This Act does not affect or interfere with the right of any person who is not a member of the Association to describe himself or herself as a translator or interpreter, or to practice as a translator or interpreter.

Surplus

11. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement 12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the Association of Translators and Interpreters of Ontario Act, 1989.

- si l'inscription du membre a été suspendue ou révoquée dans le cadre de mesures disciplinaires.
- (2) Sous réserve du paragraphe (3) et en se fondant sur les Rétablissemotifs qu'il estime suffisants, le conseil peut rétablir au tableau tableau le nom d'une personne qui en avait été rayé, soit gratuitement, soit sur paiement à l'Association des sommes suivantes:

- a) une somme qui ne dépasse pas les droits ou autres arriérés que la personne doit à l'Association;
- une somme additionnelle que peut prescrire le règlement intérieur.
- (3) Si le nom d'une personne qui fait l'objet d'une suspen- Idem sion ou dont l'inscription a été suspendue ou révoquée en vertu de l'alinéa (1) d) est rétabli au tableau en vertu du paragraphe (2), le conseil peut, par résolution, subordonner ce rétablissement aux conditions qu'il estime opportunes.
- 10 La présente loi ne porte aucunement atteinte aux droits Droits d'une personne qui n'est pas membre de l'Association de se qualifier de traducteur, de traductrice ou d'interprète ou d'exercer la profession de traducteur ou d'interprète.

11 L'excédent financier qui résulte de la gestion des affai- Excédent res de l'Association est consacré uniquement à la promotion et à l'exécution des objectifs de l'Association et n'est pas réparti parmi les membres.

- 12 La présente loi entre en vigueur le jour où elle reçoit la Entrée en sanction royale.
- 13 Le titre abrégé de la présente loi est Loi de 1989 sur Titre abrégé l'Association des traducteurs et interprètes de l'Ontario.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

frag. for

# Bill Pr37

(Chapter Pr26 Statutes of Ontario, 1988)

## An Act respecting The University of Western Ontario

Mr. Reycraft

CHERK LEGISLATIVE ASSEMBLY

1st Reading December 22nd, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



### An Act respecting The University of Western Ontario

Whereas The University of Western Ontario hereby applies Preamble for special legislation to amend the University of Western Ontario Act, 1982; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 17 of the University of Western Ontario Act, 1982, being chapter 92, is repealed and the following substituted therefor:
- 17.—(1) A member of the Board who has an interest, directly or indirectly, in any contract, transaction, proposed contract or proposed transaction under consideration by the Board or a committee created by it shall,

- (a) declare the nature and extent of the interest as soon as possible and no later than the meeting at which the matter is to be considered:
- (b) refrain from taking part in any discussion or vote in relation to the matter; and
- withdraw from the meeting when the matter is being discussed if requested to do so by a majority of the members present at the meeting.
- (2) A member of the Board who is an employee of the Uni- Participation versity or whose spouse is an employee of the University may take part in discussions and vote on all matters relating generally to the financial operation of the University, other than matters referred to in subsection (3) or matters in which the member's interest or the interest of the member's spouse is not the same or substantially the same as that of other employees of the University.

Restriction on participation (3) No member of the Board, other than the President or a Vice-President appointed under clause 9 (1) (i), who is an employee or whose spouse is an employee of the University may take part in discussions or vote on matters related to the remuneration or benefits, terms of employment, rights or privileges available to employees of the University that are directly related to compensation or that are negotiated in a collective fashion for a class or group of employees of the University.

Conflict of interest found by Board

- (4) Where the Board or a committee of the Board to which the Board has delegated authority is of the opinion that a conflict of interest exists that has not been declared, the Board or committee may declare, by a resolution carried by two-thirds of the members present at the meeting, that a conflict of interest exists and a member of the Board thus found to be in conflict shall,
  - (a) refrain from taking part in any discussion or vote related to the matter; and
  - (b) withdraw from the meeting when the matter is being discussed if requested to do so by a majority of the members present at the meeting.
- 2. Section 24 of the said Act is repealed and the following substituted therefor:

#### **SENATE**

Senate, how composed

- **24.**—(1) There shall be a Senate of the University composed of,
  - (a) the following ex officio members,
    - (i) the Chancellor,
    - (ii) the Vice-Chancellor,
    - (iii) such Vice-Presidents as the Senate may determine,
    - (iv) the Deans of the academic units given Faculty representation under clause (b),
    - (v) the Director of Libraries,
    - (vi) the Registrar, and

- (vii) the Secretary of the Senate who shall be a non-voting member;
- (b) members of the Faculty, elected in the following numbers,
  - (i) Faculty of Graduate Studies -eight members, (ii) Faculty of Arts —four members, (iii) Faculty of Medicine -four members. (iv) Faculty of Science -four members. (v) Faculty of Social Science -four members, (vi) Faculty of Dentistry -one member, (vii) Faculty of Education —one member. (viii) Faculty of Engineering Science —one member, (ix) Faculty of Law —one member, (x) Faculty of Music —one member, (xi) Faculty of Nursing —one member, (xii) Faculty of Physical Education —one member, (xiii) School of Business Administration -one member, (xiv) School of Library and Information Science —one member, (xv) Faculty of Part-Time and Continuing Education —one member, (xvi) Graduate School of Journalism —one member, (xvii) Applied Health Sciences —one member. (xviii) Subject to the approval of two-thirds of the members of the Senate, any other academic unit that may be established hereafter —one member:
- (c) two members of the Board appointed by the Board from among its members appointed or elected under clauses 9 (1) (b), (c), (d) and (h);
- (d) two members from each affiliated college, one of whom shall be the academic head of that college and the other a person elected as provided in section 25, who shall have voice in all matters but shall not vote on resolutions, recommendations or requests submitted to the Board where such matters do not directly involve the affiliated colleges as shall be determined by the Senate;
- (e) fifteen students of whom,

- (i) twelve shall be undergraduate students of the University and its affiliated colleges and be elected by such undergraduate students, and
- (ii) three shall be graduate students elected by the graduate students;
- (f) two members of the full-time administrative staff elected thereby; and
- (g) five persons from the general community, one of whom shall be active in or associated with the field of secondary school education, consisting of,
  - (i) the President of the Alumni Association of the University or a person designated by such President, and two members of the Association appointed by the Association, and
  - (ii) two persons appointed by the Senate.

Regulation to vary number of members (2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses (1) (b), (d), (e) and (f).

Officers

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish.

Alternates

(4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.

Commence-

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the University of Western Ontario Act, 1988.





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# Bill Pr38

(Chapter Pr27 Statutes of Ontario, 1988)

An Act to revive Prow Yellowknife Gold Mines Ltd.

Mr. Kanter

CLERK LEGISLATIVE ASSEMBLY

1st Reading February 9th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1988

### An Act to revive Prow Yellowknife Gold Mines Ltd.

Whereas Henri Galle hereby represents that Prow Yellow- Preamble knife Gold Mines Ltd., herein called the Corporation, was incorporated by letters patent dated the 8th day of March, 1945; that the Minister of Consumer and Commercial Relations by order dated the 1st day of March, 1982 and made under the authority of subsection 242 (3) of the Business Cor- R.S.O. 1980, porations Act, cancelled the certificate of incorporation of the Corporation for default in complying with the Corporations R.S.O. 1980, Tax Act, and declared that the Corporation be dissolved on the 1st day of March, 1982; that the applicant represents the estate of George F. Ross a former director of the Corporation; that the default occurred by reason of inadvertence; that the applicant wishes to revive the Corporation in order to carry on active business; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Prow Yellowknife Gold Mines Ltd. is hereby revived Corporation and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Prow Yellowknife Gold Short title Mines Ltd. Act. 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

## Bill Pr40

(Chapter Pr3 Statutes of Ontario, 1989)

## An Act respecting the City of Trenton

Mrs. Fawcett

CLERK
LEGISLATIVE ASSEMBLY

1st Reading April 12th, 1988

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



1988

### An Act respecting the City of Trenton

Whereas The Corporation of the City of Trenton, herein Preamble called the Corporation, hereby applies for special legislation for the purposes set out herein; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described in the Schedule shall, even though Deeming the title thereto was taken in the name of the Board rather than that of the Corporation, be deemed to have been acquired by the Board in compliance with the Public Parks R.S.O. 1980, Act.

2. The Corporation shall, within thirty days of the date that this Act comes into force, cause notice of this Act in a form acceptable to the Land Registrar to be registered on the title to the lands referred to in the Schedule in the Registry Office for the Registry Division of Hastings (No. 21).

Registration

3. This Act comes into force on the day it receives Royal Commence-Assent.

4. The short title of this Act is the City of Trenton Act, Short title 1989.

#### **SCHEDULE**

1. That parcel of land known as Fraser Park (also known as Governor Simcoe Park), described as the land and premises in the City of Trenton in the County of Hastings being composed of Lot 12 and part of lots 13, 14 and 15 on the southeasterly side of Albert Street in the Town of Trenton according to Evans and Bolger's registered plan of Trenton and may be better known and described as follows:

Commencing at the intersection of the northerly limit of Quinte Street with the southeasterly limit of Albert Street;

Thence north 14° 41′ east along the said southeasterly limit of Albert Street 229 feet and 9 inches, more or less, to the southwesterly limit of Albert Street produced southeasterly;

Thence south 45° 35′ east along the said production of Albert Street southeasterly 176 feet, more or less, to within 10 feet of the centre line of the Railway Track to the Cold Storage Dock;

Thence southwesterly parallel with the centre line of said Railway Track and always at the distance of 10 feet measured at right angles therefrom 68 feet, more or less, to the northerly limit of Quinte Street;

Thence south 71° 26′ west along the said northerly limit of Quinte Street 149 feet and 9 inches, more or less, to the place of beginning, containing by admeasurement 46/100 of an acre, more or less.

2. That parcel of land known as Bayshore Park in the City of Trenton in the County of Hastings being water lot at the mouth of the River Trent, formerly in front of Lot 1 in Concession A and Lot 1 in the Township of Murray and more particularly described as follows:

That part of original water lot shown on drawing of November 24th, 1902 by John Evans, that lies north of the projection of the north line of Shuter Street, west of the original eastern boundary line, south of a line parallel to Quinte Street produced, southwest of Albert Street produced and east of the original high water line with the exception of the four lots indicated in the marked up print of the original drawing and described below.

The boundary lines of the property are described as follows:

Starting at the high water mark on the projection of the north line of Shuter Street, then along this line in an easterly direction 9 chains 60 links to the eastern boundary of the original lot, then north 5° 30′ east 6 chains 70 links, more or less, then in a westerly direction parallel to Quinte Street produced 4 chains 70 links, more or less, to Albert Street produced, then in a north westerly direction 3 chains 50 links along Albert Street produced to the high water line shown on the original drawing, then in a southerly direction along the high water line to the point of beginning.

The exceptions are as follows:

That part of the lot 200 feet by 100 feet, transferred to Barr Registers and now owned by Branch 110 Canadian Legion, that lies southeast of the original high water line.

That part of the lot 300 feet by 214.5 feet owned by Public Works Department, Ottawa, since October 6th, 1950, upon part of which has been erected a concrete revetment wall behind which earth and stone fill has been placed.

That part of the lot 200 feet by 214.5 feet owned by Public Works Department, Ottawa, since August 14th, 1952, upon part of which has been erected a concrete revetment wall behind which earth and stone fill has been placed.

That part of the lot 250 feet by 214.5 feet owned by Public Works Department, Ottawa, since July 7th, 1953, upon part of which has been erected a concrete wharf.

- 3. That parcel of land known as Hannah Park and more particularly described as follows:
  - i. That parcel of land in the City of Trenton in the County of Hastings, formerly in the Township of Murray, in the County of Northumberland and partly in the Town of Trenton and the County of Hastings, containing by admeasurement an area of 20.13 acres, more or less, and being composed of part of the west half of Lot 3, Concession A in the said Township of Murray and part of Block F on the westerly side of Dufferin Avenue according to Evans and Bolger's plan of the Town of Trenton filed in the Registry Office for the Registry Division of the said County of Hastings as number 240.

Premising that the westerly limit of the said Dufferin Avenue is north 18° 34′ west and relating all bearings herein thereto.

Commencing at an iron bar planted in the easterly limit of the said Block F being also the westerly limit of Dufferin Avenue, distant 974.15 feet measured southerly therealong from the northerly angle of Block F aforesaid;

Thence north 18° 34′ west along the said easterly limit, 40.54 feet, more or less, to an iron bar planted in the line of an old fence marking the southerly limit of a plan filed in the said Registry Office as number 775;

Thence south 73° 48' west along the said line of fence and its westerly production, 662.82 feet, more or less, to the westerly limit of the said Block F:

Thence south 77° 23′ 30″ west 669.8 feet, more or less, to an iron bar in the westerly limit of Lot 3 aforesaid;

Thence south 17° 52′ east along the last mentioned westerly limit 1,260.81 feet, more or less, to an iron bar planted in the northwesterly limit of the right of way lands of the Canadian National Railway Company (Deseronto Subdivision) being a line drawn parallel to the former centre line of the said right of way and distant 50 feet northwesterly therefrom measured at right angles thereto;

Thence north 48° 13, east along the said northwesterly limit 830.04 feet, more or less, to an iron bar planted therein distant 632 feet measured southwesterly therealong from the easterly limit of Block F;

Thence north 18° 34′ west and parallel to the said easterly limit of Block F 118.06 feet, more or less, to an iron bar planted in a line drawn parallel to the centre line of right of way aforesaid and distant 158.50 feet northwesterly therefrom measured at right angles thereto;

Thence north 48° 13' east along the last mentioned parallel line 87.6 feet, more or less, to an iron bar therein distant 544.4 feet measured southwesterly therealong from the easterly limit of Block F;

Thence north 18° 34′ west and parallel to the said easterly limit of Block F being along the westerly limit of the lands described in an Instrument filed in the said Registry Office for the County of Hastings as number 8998 a distance of 664.03 feet, more or less, to an iron bar planted at the northwest angle thereof;

Thence north 73° 51' east 500.55 feet, more or less, to the said point of commencement.

Excepting and reserving therefrom all mining rights, mines and minerals, whether solid, liquid or gaseous, already found or which may hereafter be found to exist in, upon or under the lands herein described, together with full power and right to enter upon and use or occupy the said lands or the surface thereof to such an extent as the Canadian National Realties, or its assigns may consider necessary for the effectual working of the said mining rights, mines and minerals.

Reserving unto the Canadian National Realties and Canadian National Railway Company, their successors and assigns, the owner or owners, from time to time, of the Railway property located southerly of the said lands, the right in perpetuity, to maintain, renew and operate for Railway purposes, the trackage presently constructed upon and across the southeasterly portion of the said lands by agreement between the grantors and grantee, their successors or assigns, in, over, along and upon a portion of the said lands being a strip having a lateral width of 17 feet, being 81/2 feet on both sides of the centre line of the said trackage as presently located or as subsequently relocated as aforementioned.

And the grantee, for themselves, their successors and assigns, hereby covenant and agree with the grantors and Canadian National Railway Company their successors and assigns, the owner or owners, from time to time, of the Railway property located southerly of the said lands, that neither the said lands nor any portion thereof shall at any time be used other than as a park or for recreational purposes, and that the grantee will obtain a covenant similar to this from the purchaser or lessee from them of the said lands or any portion thereof and enforce same in the event of any breach thereof.

ii. That certain parcel of land in the City of Trenton in the County of Hastings, formerly located in the Township of Murray in the County of Northumberland and partly in the Town of Trenton in the County of Hastings, containing by admeasurement an area of 20.13 acres, more or less, and being composed of part of the west half of Lot 3, Concession A in the said Township of Murray and part of Block F on the westerly side of Dufferin Avenue according to Evans and Bolger's plan of the Town of Trenton filed in the Registry Office for the Registry Division of the said County of Hastings as number 240.

Premising that the westerly limit of the said Dufferin Avenue is north 18° 34' west and relating all bearings herein thereto.

Commencing at an iron bar planted in the easterly limit of the said Block F being also the westerly limit of Dufferin Avenue, distant 974.15 feet measured southerly therealong from the northerly angle of Block F aforesaid;

Thence north 18° 34' west along the said easterly limit, 40.54 feet, more or less, to an iron bar planted in the line of an old fence marking the southerly limit of a plan filed in the said Registry Office as number 775;

Thence south 73° 48' west along the said line of fence and its westerly production, 662.82 feet, more or less, to the westerly limit of the said Block F;

Thence south 77° 23′ 30″ west 669.8 feet, more or less, to an iron bar in the westerly limit of Lot 3;

Thence south 17° 52' east along the last mentioned westerly limit, 1,260.81 feet, more or less, to an iron bar planted in the northwesterly limit of the right of way lands of the Canadian National Railway Company (Deseronto Subdivision) being a line drawn parallel to the former centre line of the said right of way and distant 50 feet northwesterly therefrom measured at right angles thereto;

Thence north 48° 13' east along the said northwesterly limit 830.04 feet, more or less, to an iron bar planted therein distant 632 feet measured southwesterly therealong from the easterly limit of Block F;

Thence north 18° 34′ west and parallel to the said easterly limit of Block F 118.06 feet, more or less, to an iron bar planted in a line drawn parallel to the centre line of right of way aforesaid and distant 158.5 feet northwesterly therefrom measured at right angles thereto;

Thence north 48° 13' east along the last mentioned parallel line 87.6 feet, more or less, to an iron bar therein distant 544.4 feet measured southwesterly therealong from the easterly limit of Block F;

Thence north 18° 34' west and parallel to the said easterly limit of Block F being along the westerly limit of the lands described in an Instrument filed in the said Registry Office for the County of Hastings as number 8998 a distance of 664.03 feet, more or less, to an iron bar planted at the northwest angle thereof;

Thence north 73° 51' east 500.55 feet, more or less, to the said point of commencement.

Excepting and reserving therefrom all mining rights, mines and minerals, whether solid, liquid or gaseous, already found or which may hereafter be found to exist in, upon or under the lands herein described, together with full power and right to enter upon and use or occupy the said lands or the surface thereof to such an extent as the Canadian National Realties, or its assigns may consider necessary for the effectual working of the said mining rights, mines and minerals.

Reserving unto the Canadian National Realties and Canadian National Railway Company, their successors and assigns, the owner or owners, from time to time, of the Railway property located southerly of the said lands, the right in perpetuity, to maintain, renew and operate for Railway purposes, the trackage presently constructed upon and across the southeasterly portion of the said lands, or that trackage as subsequently relocated upon and across the said lands by agreement between the grantors and grantee, their successors or assigns, in, over, along and upon a portion of the said lands being a strip having a lateral width of 17 feet, being 8½ feet on both sides of the centre line of the said trackage as presently located or as subsequently relocated as aforementioned.

And the grantee, for themselves, their successors and assigns, hereby covenant and agree with the grantors and Canadian National Railway Company their successors and assigns, the owner or owners, from time to time, of the Railway property located southerly of the said lands, that neither the said lands nor any portion thereof shall at any time be used other than as a park or for recreational purposes, and that the grantee will obtain a covenant similar to this from the purchaser or lessee from them of the said lands or any portion thereof and enforce same in the event of any breach thereof.

iii. That certain parcel or tract of land and premises in the City of Trenton in the County of Hastings, formerly in the Town of Trenton in the County of Hastings, and in the Township of Murray in the County of Northumberland and being composed of part of Lot 4 in

Concession A of the Township of Murray which said parcel may be more particularly described as follows:

Premising that Dufferin Avenue as shown on Registered Plan No. 240 has a bearing of north 19° 44′ west and relating all bearings herein thereto.

Commencing at a point distant 377.67 feet measured north 22° 07′ 30″ from a point distant 436.2 feet measured north 78° 10′ east from a point in the westerly limit of said Lot 4 distant 2761.26 feet measured southerly along the westerly limit of said Lot 4 from the north west angle thereof:

Thence north 22° 97' 30" east, 238.9 feet;

Thence north 68° 27′ 30″ east, 504 feet to the easterly limit of the said Lot 4;

Thence south 18° 51' east along the easterly limit of said Lot 4 a distance of 670 feet;

Thence south 37° 02' west, 797.3 feet to a point;

Thence north 18° 51' west, 913.1 feet to the place of beginning.

The parcel described herein being shown outlined in red on a plan of survey dated October 22, 1970 by W.J. Pattison, O.L.S., and contains 12.995 acres, more or less.

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1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

## Bill Pr41

(Chapter Pr36 Statutes of Ontario, 1988)

## An Act respecting the County of Simcoe

Mr. Black

CLERK
LEGISLATIVE ASSEMBLY

1st Reading June 8th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



### An Act respecting the County of Simcoe

Whereas The Corporation of the County of Simcoe, hereby Preamble applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

**Definitions** 

"council" means the council of The Corporation of the County of Simcoe;

"local municipality" means a town, village or township in the County of Simcoe that is not separated therefrom for municipal purposes;

"municipal electors" means the persons entitled to vote at a municipal election.

2.—(1) Despite sections 27, 28 and 29 of the Municipal Composition Act, membership on the council and the votes of such members are as follows:

of council, R.S.O. 1980,

- If a local municipality has less than 3,250 municipal electors, the reeve only is a member of the council and has one vote.
- If a local municipality has at least 3,250 municipal electors and not more than 6,500 municipal electors, the reeve only is a member of the council and has two votes.
- 3. If a local municipality has more than 6,500 municipal electors and less than 9,750 municipal electors, the reeve only is a member of the council and has three votes.

- 4. If a local municipality has at least 9,750 municipal electors and not more than 13,000 municipal electors, the reeve and deputy reeve are members of the council and the reeve has three votes and the deputy reeve has one vote.
- 5. If a local municipality has at least 13,000 municipal electors, the reeve and deputy reeve are members of the council and the reeve has three votes and the deputy reeve has two votes.

Voting in committee

(2) The council may by by-law provide that a member who in council has one or two additional votes by virtue of subsection (1) shall as a member of any committee have the same number of additional vote or votes.

Repeals

**3.** The County of Simcoe Act, 1972, being chapter 194 and The County of Simcoe Act, 1979, being chapter 139, are repealed.

Commencement **4.**—(1) This Act comes into force on the 1st day of December, 1988.

Transition R.S.O. 1980, c. 308 (2) Despite subsection (1), the regular election to be held in 1988 under the *Municipal Elections Act* shall be conducted as if this Act were in force.

Short title

5. The short title of this Act is the County of Simcoe Act, 1988.

Pury you

# Bill Pr42

(Chapter Pr51 Statutes of Ontario, 1988)

An Act to revive Rockton Winter Club Inc.

Mr. Elliot

CLERK
LEGISLATIVE ASSEMBLY

1st Reading June 29th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



1988

#### An Act to revive Rockton Winter Club Inc.

Whereas Donna Fochuk, Susan Rodgers, Meryle Frketich, Preamble Jane Vince, Janet Hunter, Debra Whatmough, Sarah Tucker, Joyce McGeachy, Anne Donkers, Fred Cooper, Linda Posthuma and Ruth Passant hereby represent that Rockton Winter Club Inc., herein called the Corporation, was incorporated by letters patent dated the 6th day of December, 1977; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982, and made under the authority of subsection 317 (9) of the Corporations Act, can-R.S.O. 1980, celled the certificate of incorporation of the Corporation for default in complying with section 5 of the Corporations R.S.O. 1980, Information Act and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicants are members of the executive council of the on-going organization carried on in the name of the Corporation; that notice of default, although sent to each of the applicants as directors. was not received by any of them and none of them was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on its activities and has continued to carry on its activities in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Rockton Winter Club Inc. is hereby revived and is, sub-Revival ject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Rockton Winter Club Inc. Act, 1988.

Per G. C. J. A. 37 ELIZABETH II, 1989

# Bill Pr43

(Chapter Pr4 Statutes of Ontario, 1989)

An Act to revive
I. Gosselin & F. Camiré Developments Limited
and to change its name to
Northern Frontier Develop. Ltd.

Mr. Kozyra

CLERK
LEGISLATIVE ASSEMBLY

1st Reading February 2nd, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



### An Act to revive I. Gosselin & F. Camiré Developments Limited and to change its name to Northern Frontier Develop. Ltd.

Whereas Irenée Gosselin and Janice Gosselin hereby Preamble represent that I. Gosselin & F. Camiré Developments Limited, herein called the Corporation, was incorporated by letters patent dated the 8th day of June, 1977; that on the 11th day of April, 1978, the Corporation filed articles of dissolution and the Minister of Consumer and Commercial Relations issued a certificate of dissolution under section 249 of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario, 1970; that on the 25th day of September, 1980, articles of amendment were filed and the Minister of Consumer and Commercial Relations issued a certificate of amendment purporting to change the name of the Corporation to Northern Frontier Develop. Ltd.; that Irenée Gosselin and François Camiré were the directors of the Corporation and François Camiré was the sole shareholder of the Corporation at the time of its dissolution; that on the 26th day of September, 1980, François Camiré purported to transfer all of the issued shares of the Corporation to the applicants; that active business has been carried on in the name of Northern Frontier Develop. Ltd. including the acquisition of certain interests in real property; and whereas the applicants hereby apply for special legislation reviving the Corporation and changing its name to Northern Frontier Develop. Ltd.; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. I. Gosselin & F. Camiré Developments Limited is Corporation hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and

debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Name changed 2. The name of the Corporation shall be deemed to have been changed to Northern Frontier Develop. Ltd. on the 25th day of September, 1980.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the Northern Frontier Develop. Ltd. Act, 1989.

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37 ELIZABETH II, 1988

# Bill Pr44

(Chapter Pr37 Statutes of Ontario, 1988)

### An Act to revive Moravian Temple Corporation

Mr. Reycraft

CLERK
LEGISLATIVE ASSEMBLY

1st ReadingJune 13th, 19882nd ReadingJune 29th, 19883rd ReadingJune 29th, 1988

June 29th, 1988

Royal Assent



### An Act to revive Moravian Temple Corporation

Whereas Dick Fitzsimmons and Norman Bell hereby repre-Preamble sent that Moravian Temple Corporation, herein called the Corporation, was incorporated by letters patent dated the 1st day of November, 1972; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations R.S.O. 1980, Information Act and declared the Corporation to be dissolved on the 8th day of September, 1982; that although notice of default was sent to each of the directors of the Corporation. through inadvertence no action was taken to revive the Corporation until more than two years after the date thereof; that Norman Bell was a director of the Corporation at the time of its dissolution and is now secretary of the Corporation; that Dick Fitzsimmons is the current president of the Corporation; that the Corporation at the time of its dissolution was carrying on its activities and has continued to carry on its activities in the name of the Corporation since the time of its dissolution: and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Moravian Temple Corporation is hereby revived Corporation and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Moravian Temple Short title Corporation Act, 1988.



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37 ELIZABETH II, 1988

### Bill Pr45

(Chapter Pr38 Statutes of Ontario, 1988)

# An Act respecting the Owen Sound Young Men's and Young Women's Christian Association

Mr. Lipsett

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 26th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



### An Act respecting the Owen Sound Young Men's and Young Women's Christian Association

Whereas the Owen Sound Young Men's and Young Women's Preamble Christian Association, herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 7th day of November, 1966; that the object of the Corporation is the improvement of the spiritual, moral, social, educational and physical life of its members and others; that the Corporation is a registered charitable organization within the meaning of the Income Tax Act (Canada); that it is desirable R.S.C. 1952, that provision be made for exempting the real property of the Corporation situate in the City of Owen Sound from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Owen Sound may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the Assessment Act, occupied by R.S.O. 1980, the Corporation, being the land and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Corporation.

- (2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.
- 2. A by-law passed under section 1 may be retroactive to By-law may the 1st day of January, 1988.

Commencement **3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the Owen Sound Young Men's and Young Women's Christian Association Act, 1988.

#### **SCHEDULE**

In the City of Owen Sound, in the County of Grey, and being composed as follows:

Firstly: That part of Lot 24 on the west side of Poulett Street, in the City of Owen Sound, described as follows:

Commencing at the northeasterly angle of Lot 24;

Thence westerly along the northerly limit of Lot 24, a distance of 159.71 feet, more or less, to the westerly limit of said Lot;

Thence southerly along the westerly limit of Lot 24, a distance of 35.13 feet;

Thence easterly and parallel with the northerly limit of Lot 24, a distance of 156.68 feet, more or less, to the easterly limit of the said Lot;

Thence northerly along the said limit, a distance of 35 feet to the point of commencement.

Secondly: That certain parcel or tract of land in the said City of Owen Sound, and being composed of part of the river frontage on the east side of the River Sydenham, lying between the rear of the town lots fronting on the west side of Poulett Street from Lot No. 1 to Lot No. 24 and shown as Water Street on the Crown Plan of the Sydenham Townplot, dated February 1, 1846, by Charles Rankin, P.L.S., said part being more particularly described as follows:

Commencing at the northwesterly angle of Lot 24 on the west side of Poulett Street;

Thence southerly along the westerly limit of Lot 24 on the west side of Poulett Street, a distance of 35.13 feet;

Thence westerly and parallel with the northerly limit of Lot 24, a distance of 140 feet, more or less, to the easterly high water line of the Sydenham River;

Thence northwesterly, along that high water line, a distance of 40 feet, more or less, to a point where the northerly limit of Lot 24 on the west side of Poulett Street produced westerly intersects the easterly high water line of the Sydenham River;

Thence easterly along said produced line to the point of commencement

Together with and subject to a right-of-way in common with all other persons having a like right over the said river frontage which may be more particularly described as follows:

Commencing at the southwesterly angle of Lot 24 on the west side of Poulett Street;

Thence northerly along the westerly limit of Lot 24, a distance of 106.46 feet, more or less, to the northwesterly angle of Lot 24;

Thence westerly along the production westerly of the northerly limit of Lot 24, a distance of 30 feet;

Thence southerly and parallel with the westerly limit of Lot 24, a distance of 106.46 feet, more or less, to the production westerly of the northerly limit of Campbell Street;

Thence easterly along the last mentioned production, a distance of 30 feet, more or less, to the point of commencement, until such time as Water Street shall be opened.

Which lands are the same lands previously described as instrument No. 257054;

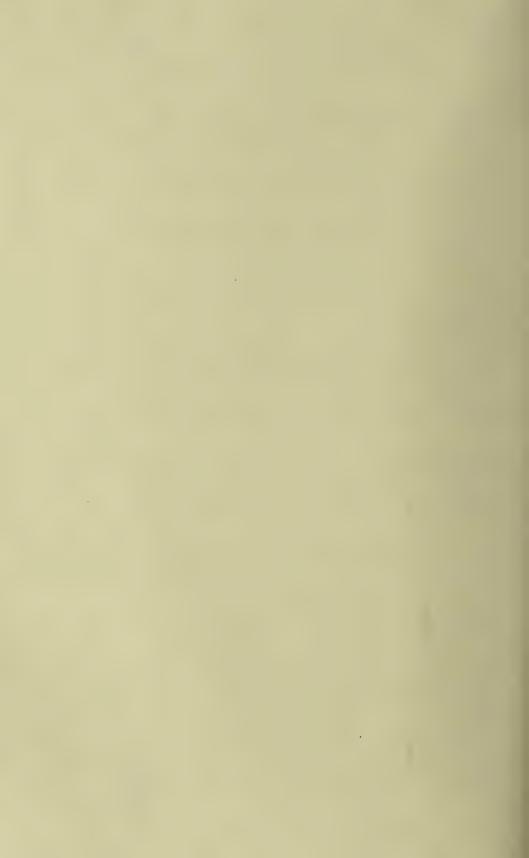
And Lot 23, west side of Poulett Street, City of Owen Sound, County of Grey; and

The southerly 70 feet of even width throughout of Lot 22 on the west side of Poulett Street subject to a right-of-way over the northerly 5 feet by a depth of 100 feet of the lands herein described and together with a right-of-way over the southerly 5 feet by a depth of 100 feet of the lands adjoining thereto immediately to the north.

Which lands are the same lands previously described in instrument No. 98508.







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37 ELIZABETH II, 1988

# Bill Pr46

(Chapter Pr39 Statutes of Ontario, 1988)

# An Act respecting The Brockville Rowing Club Incorporated

Mr. Runciman

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 24th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



1988

### An Act respecting The Brockville Rowing Club Incorporated

Whereas The Brockville Rowing Club Incorporated, herein Preamble called the Club, hereby represents that it was incorporated by letters patent dated the 5th day of February, 1971 as amended by supplementary letters patent dated the 10th day of December, 1986; that the Club is a registered charitable organization within the meaning of the Income Tax Act (Canada); that the R.S.C. 1952, objects of the Club are to promote rowing, aquatic sports and recreational facilities to the community at large and to establish, maintain and conduct a club for the accommodation, recreation and convenience of the community at large; that it is desirable that provision be made for exempting the real property of the Club situate in the City of Brockville in the County of Leeds more particularly described in the Schedule hereto, from taxation for municipal and school purposes, other than local improvement rate; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Brockville may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the Assessment Act, occupied by the R.S.O. 1980, Club, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Club.

- (2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.
- 2. A by-law passed under section 1 may be retroactive to Retroactive the 1st day of January, 1987.

Commencement **3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is the *Brockville Rowing Club Incorporated Act*, 1988.

#### **SCHEDULE**

That parcel of land and premises situate in the City of Brockville, in the County of Leeds, being composed of City lots 48 and 49 in Block 10 as laid down on the map of the said City made by Willis Chipman, P.L.S., filed in the Registry Office for the said County of Leeds on July 2nd, 1984 and also the Water Lots in the front of the said lots 48 and 49.

37 ELIZABETH II, 1988

### Bill Pr47

(Chapter Pr40 Statutes of Ontario, 1988)

### An Act respecting The Peterborough Civic Hospital

Mr. Adams

LEGISLATIVE ASSEMBLY

1st Reading June 9th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act respecting The Peterborough Civic Hospital

Whereas The Peterborough Civic Hospital, The Corporation Preamble of the City of Peterborough and The Corporation of the County of Peterborough, herein called the applicants, hereby represent that it is desirable that the Board of Governors of The Peterborough Civic Hospital be granted additional powers to expand or enlarge the hospital, subject to the Public Hospitals Act, and to do all things necessary or inciden- R.S.O. 1980, tal in connection therewith, including the power to execute agreements for capital projects; that it is desirable that the Board of Governors of The Peterborough Civic Hospital be granted the authority to enter into agreements to lease hospital property or grant easements or rights-of-way over hospital land and to contract for all matters incidental to the operation of the hospital; that it is also desirable that all actions, demands or claims arising from or in relation to the exercise of the powers and rights of the Board of Governors should be brought against the hospital and not against The Corporation of the City of Peterborough or The Corporation of the County of Peterborough; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of The Peterborough Civic Hospital Act, 1945, being chapter 34, as amended by the Statutes of Ontario, 1949, chapter 136, section 2 and 1985, chapter Pr10, section 2, is repealed and the following substituted therefor:
- 7.—(1) Subject to the Public Hospitals Act, the Board of Powers of Governors shall have the power to,

Board of Governors R.S.O. 1980, c. 410

- (a) construct, expand or renovate the hospital;
- (b) enter into agreements for all services, work or materials related to a hospital project or necessary

to complete the construction, expansion or renovation of the hospital; and

(c) furnish and equip the hospital and to enter into agreements for such purpose.

Powers respecting property

- (2) The Board of Governors shall have control over and the custody of all real and personal property, belonging to or used in connection with the hospital and may sell or otherwise dispose of any personal property when it is no longer required for the purposes of the hospital.
- 2. Section 8 of the said Act, as amended by the Statutes of Ontario, 1949, chapter 136, section 3, is repealed and the following substituted therefor:

Property of Board vested in City **8.**—(1) Notwithstanding sections 9 and 11, all real and personal property acquired by the Board of Governors is vested in The Corporation of the City of Peterborough.

Agreements respecting property R.S.O. 1980, c. 410

(2) Subject to the *Public Hospitals Act*, the Board of Governors may enter into agreements to lease hospital property or grant an easement or right-of-way over, under or upon hospital land or any part of it and The Corporation of the City of Peterborough shall execute and register the necessary documents to give effect to such agreement.

Claims to be brought against Board of Governors

(3) All claims, accounts and demands arising from or in relation to the management and control of the hospital or the exercise of any rights or powers of the Board of Governors under this Act shall be made upon and brought against The Peterborough Civic Hospital and not upon or against The Corporation of the City of Peterborough or The Corporation of the County of Peterborough.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the Peterborough Civic Hospital Act, 1988.

1ST SESSION, 34TH LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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# Bill Pr48

(Chapter Pr28 Statutes of Ontario, 1988)

### An Act respecting the Town of Oakville

Mr. Carrothers

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 11th, 1988

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1988

### An Act respecting the Town of Oakville

Whereas The Corporation of the Town of Oakville, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

**Definitions** 

- "municipal taxes" means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;
- "owner" means a person assessed as the owner of residential real property and includes an owner within the meaning of the Condominium Act:

R.S.O. 1980.

- "personal residence" means the residence ordinarily inhabited by the owner;
- "spouse" means a person of the opposite sex,
  - (a) to whom the person is married, or
  - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
    - (i) have cohabited for at least one year,
    - (ii) are together the parents of a child, or
    - (iii) have together entered into a cohabitation agreement under section 53 of the Family 1986, c. 4 Law Act. 1986.

Tax credit and refund authorized 2. The council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the Town of Oakville a uniform credit or refund in an amount of \$150 per year or such greater amount as the by-law may provide against municipal taxes, including penalty and interest, for the years 1988, 1989, 1990, 1991 and 1992, in respect of the residential real property,

R.S.O. 1980, cc. 151, 188

- R.S.C. 1970, c. O-6
- (a) if the owner or the spouse of the owner, or both, is or are receiving benefits under the Family Benefits Act or assistance under the General Welfare Assistance Act, or receiving a monthly guaranteed income supplement under Part II of the Old Age Security Act (Canada);
- (b) if the owner or the spouse of the owner, or both, occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence; and
- (c) if the owner or the spouse of the owner, or both, has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year immediately preceding the date of application for the credit.

Conditions

- **3.** The following conditions apply to a credit or refund authorized under section 2:
  - 1. No credit or refund shall be allowed to an owner in respect of more residential real property than one dwelling unit in any year.
  - 2. No credit or refund shall be allowed unless an application for it has been made not later than three years after the end of the year in which the municipal taxes in respect of which the credit or refund is claimed became due and payable.
  - 3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
  - 4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.

5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of the Ontario Pensioners Property Tax Assistance Act, R.S.O. 1980, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

4. Despite paragraph 4 of section 3, where the amount of Exception an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

#### 5. A by-law passed under section 2 may,

Additional powers

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause 2 (c):
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.
- 6. The amount of any credit or refund allowed from time Lien to time under a by-law passed under section 2 shall, on registration in the appropriate land registry office of a notice of lien, be a lien in favour of the Corporation on the real property in respect of which the credit or refund has been allowed.

7. The amount of the lien shall become due and be paid to When lien the Corporation upon any change in ownership of the real payable property unless the change in ownership occurred,

- (a) as a result of the death of the owner to whom a credit or refund was allowed and the new owner is the joint tenant, tenant in common or heir of the deceased owner and is a person otherwise qualified for a credit or refund under a by-law passed under section 2; or
- (b) by way of a mortgage or charge other than a sale or foreclosure under the mortgage or charge.

Notice of lien and discharge of lien

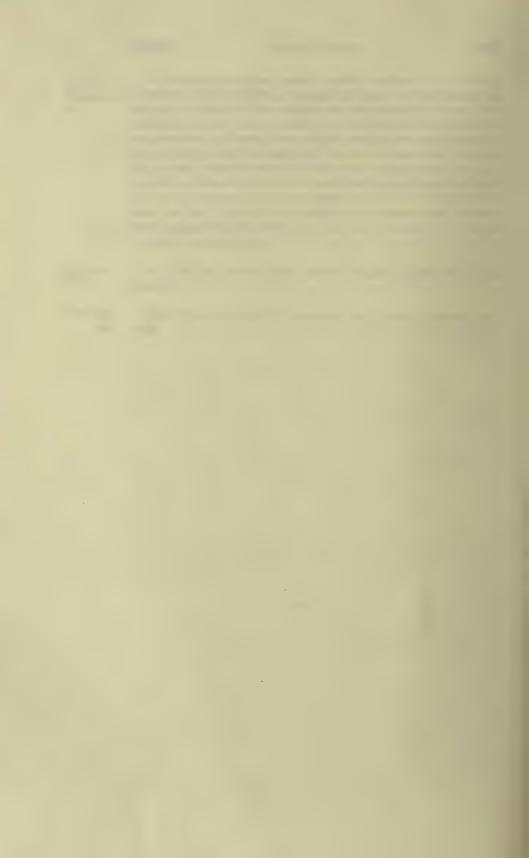
8. Where a by-law passed under section 2 is in force, forthwith after a credit or refund has been allowed under the by-law, a notice of lien signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered and thereupon the lien in respect of the real property is discharged.

Commencement 9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the Town of Oakville Act, 1988.





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37 ELIZABETH II, 1988

# Bill Pr49

(Chapter Pr41 Statutes of Ontario, 1988)

### An Act to revive Lebon Gold Mines Limited

Mr. Kanter

CLERK
LEGISLATIVE ASSEMBLY

1st Reading February 8th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to revive Lebon Gold Mines Limited

Whereas James Winters and Arthur Jackson hereby represent Preamble that Lebon Gold Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 24th day of April, 1945; that the Minister of Consumer and Commercial Relations by order dated the 16th day of March, 1976 and made under the authority of subsection 251 (3) of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of The Securities Act, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 16th day of March, 1976; that the applicants were majority shareholders of the Corporation at the time of its dissolution; that notice of default was apparently sent to William Courtney Simpson who at the relevant time was a director of the Corporation; that the said William Courtney Simpson is now deceased; that the default occurred by reason of a mistake or inadvertence; that the applicants were unaware of the dissolution of the Corporation until more than four years after the date thereof; that the Corporation at the time of the dissolution was inactive but that it is desirable to revive the Corporation so that it is able to pursue interests it may have in certain patented mining claims; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

1. Lebon Gold Mines Limited is hereby revived and is, Corporation subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities. contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Lebon Gold Mines Limited Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1988

# Bill Pr50

(Chapter Pr42 Statutes of Ontario, 1988)

## An Act to revive the Gottscheer Relief Association

Mr. McCague

Claude L. Sh. Koze

LEGISLATIVE ASSEMBLY

1st Reading May 31st, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act to revive the Gottscheer Relief Association

Whereas Norbert Lackner hereby represents that the Gott- Preamble scheer Relief Association, herein called the Corporation, was incorporated by letters patent dated the 19th day of January, 1966: that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of The Corporations Act, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of The Corporations Information Act, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicant is an officer of the ongoing association that is carried on in the name of the Corporation and is also a director thereof; that notice of default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations: that the default occurred by reason of inadvertence; that the applicant was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of dissolution was carrying on the functions authorized by its letters patent and the Corporation held certain real property on behalf of its members; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Gottscheer Relief Association is hereby revived and Corporation is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Gottscheer Relief Association Act, 1988.

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1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

## Bill Pr51

(Chapter Pr43 Statutes of Ontario, 1988)

# An Act respecting The Incorporated Synod of the Diocese of Huron

Ms Cunningham

CLERK
LEGISLATIVE ASSEMBLY

1st Reading May 26th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act respecting The Incorporated Synod of the Diocese of Huron

Whereas The Incorporated Synod of the Diocese of Huron, Preamble herein called the Synod, hereby represents that by section 12 of An Act to Incorporate the Synod of the Diocese of Huron and to unite the Church Society of the Diocese of Huron therewith, being chapter 74 of the Statutes of Ontario, 1874, as re-enacted by the Statutes of Ontario, 1970, chapter 146, it was authorized to invest not less than 80 per cent of the book value of the assets comprising funds held by it in trust in government securities, municipal debentures, stock of any chartered bank or permanent building society or any other incorporated financial company in Canada, or in mortgages of real estate: and it was authorized to invest up to 20 per cent of the book value of such assets in investments in which companies registered under Part III of the Canadian and British Insur- R.S.C. 1970, ance Companies Act (Canada) are authorized to invest; and whereas the Synod desires to be empowered to invest the assets comprising the funds held by it in trust in those securities authorized by law for trustees in order to obtain a greater diversity of investment and an increase in the income derived therefrom; and whereas the Synod hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 12 of An Act to Incorporate the Synod of the Diocese of Huron and to unite the Church Society of the Diocese of Huron therewith, being chapter 74 of the Statutes of Ontario, 1874, as re-enacted by the Statutes of Ontario, 1970, chapter 146, section 1, is repealed and the following substituted therefor:
- 12.—(1) The Synod shall invest the funds held by it in Investment of trust in investments authorized for trustees under the Trustee R.S.O. 1980,

funds

Act subject to any express term in the instrument creating the trust.

Exemption R.S.O. 1980, c. 59

(2) This section does not apply to funds held by the Synod that are perpetual care funds as defined in the *Cemeteries Act*.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Incorporated Synod of the Diocese of Huron Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# Bill Pr52

(Chapter Pr44 Statutes of Ontario, 1988)

## An Act respecting the City of Etobicoke

Mr. Henderson

CLERK

EGISLATIVE ASSEMBLY

1st Reading June 1st, 1988

June 29th, 1988 2nd Reading

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988



#### An Act respecting the City of Etobicoke

Whereas The Corporation of the City of Etobicoke, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

Definitions

"employee" includes a person who,

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instructions or training in the activity. business, work, trade, occupation or profession of the employer;
- "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;
- "enclosed" means closed in by a roof or ceiling and four walls with an appropriate opening or openings for ingress or egress;
- "inspector" means a person appointed by the council of the Corporation under clause 2 (k);
- "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment;

"smoking policy" means a written policy that attempts to accommodate the preferences of smokers and non-smokers in a workplace;

"workplace" means any enclosed area of a building or structure in which an employee works.

By-laws respecting smoking in the workplace

- 2. The council of the Corporation may pass by-laws,
  - (a) for requiring every employer in the City of Etobicoke, within the time specified in the by-law, to adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer;
  - (b) for requiring every employer required by by-law to adopt and implement a smoking policy to maintain that smoking policy in the workplace for which it was adopted and to give notice of the adoption of the smoking policy to each employee in the workplace within the time specified in the by-law;
  - (c) for providing that if a smoking policy has been adopted, a non-smoking employee may object to the employer about smoke in the workplace;
  - (d) for requiring an employer, if an objection has been made under clause (c), to attempt to reach a reasonable accommodation between the preferences of non-smoking and smoking employees using already available means of ventilation, separations or partitions, but no employer shall be required to make any expenditures or structural alterations to the workplace to accommodate the preferences of nonsmoking employees;
  - (e) for requiring an employer to prohibit smoking in the workplace if an accommodation satisfactory to all non-smoking employees in a workplace cannot be reached and to erect signs indicating the prohibition;
  - (f) for prohibiting any person from smoking in a workplace contrary to the smoking policy adopted for that workplace;
  - (g) for prohibiting any person from smoking in a workplace if smoking has been prohibited as required by by-law;

- (h) for prescribing the size, location and details of the signs which an employer is required by the by-law to erect in that workplace;
- for providing that any employer who permits smok-(i) ing in a workplace contrary to the smoking policy adopted for that workplace or contrary to the prohibition under clause (e) is guilty of an offence;
- (i) for prescribing the method by which any notice is required to be given by the employer; and
- (k) for appointing inspectors.
- 3.—(1) For the enforcement of any by-law passed under Inspection of this Act, an inspector, upon producing proper identification, may, at all reasonable hours, enter any workplace or any building or structure in which a workplace is situate, and may make examinations, investigations and inquiries.

(2) No inspector may enter a workplace that is also a dwell- Where ing without the consent of the occupant or without first a dwelling obtaining and producing a warrant.

(3) No person shall hinder or obstruct an inspector lawfully Obstruction carrying out the enforcement of any by-law passed under this of inspector prohibited Act.

#### (4) If any person,

Application for warrant

- (a) denies entry or access to an inspector, through or over a workplace or through or over any building or structure in which a workplace is situate;
- (b) instructs or directs an inspector to leave a workplace or any building or structure in which a workplace is situate;
- (c) obstructs an inspector from carrying out the enforcement of a by-law passed under this Act; or
- (d) refuses to comply with a request for the production of any thing, the production of which is requested for the purpose of an examination, investigation or inquiry,

an inspector may apply to a justice of the peace for a warrant.

(5) If a justice of the peace is satisfied on evidence under oath,

Warrant by justice of the

- (a) that there is reasonable and probable ground for believing that it is necessary,
  - (i) to enter and have access to any workplace or any building or structure in which a workplace is situate, or
  - (ii) to make examinations, investigations and inquiries for the purpose of this section or the enforcement of any by-law passed under this section; and
- (b) that an inspector,
  - (i) has been denied entry to the workplace or to any building or structure in which a workplace is situate,
  - (ii) has been instructed or directed to leave the workplace or any building or structure in which a workplace is situate,
  - (iii) has been obstructed, or
  - (iv) has been refused production of any thing related to an examination, investigation or inquiry,

the justice of the peace may issue a warrant authorizing an inspector to act as mentioned in clause (a) in respect of the workplace or building or structure specified in the warrant, by force if necessary, together with such police officers as may be called upon to assist the inspector.

Execution of warrant

(6) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

Expiry of warrant

(7) A warrant issued under this section shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Ex parte application

(8) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the employer or owner or occupier of the workplace or of the building or structure in which a workplace is situate.

- **4.** This Act comes into force on the day it receives Royal Commencement Assent.
- 5. The short title of this Act is the City of Etobicoke Act, Short title 1988.





(Chapter Pr52 Statutes of Ontario, 1988)

# An Act respecting The Peterborough Historical Society

Mr. Adams

CLERK
LEGISLATIVE ASSEMBLY

1st Reading October 18th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



#### An Act respecting The Peterborough Historical Society

Whereas The Peterborough Historical Society, herein called Preamble the Society, hereby represents that it was incorporated by letters patent dated the 10th day of May, 1977; that one of the objects of the Society is to hold, restore and maintain premises known as Hutchison House in the City of Peterborough as a living museum; that Hutchison House was built in 1836 as a private home, bequeathed to the Society in 1969 and is the only restored building left in the City of Peterborough from that period; that unique tours and educational programs are arranged with the curator of the House for school children and adults; that for the attainment of the above object the Society conducts and promotes fundraising events and accepts grants, gifts and donations; that the Society is a registered charitable organization within the meaning of the Income Tax Act (Canada); that it is desirable R.S.C. 1952, that provision be made for exempting the real property owned by the Society and known municipally as 270 Brock Street in the City of Peterborough from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Peterborough may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the Assessment Act or any por- R.S.O. 1980, tion thereof, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Society.

(2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the Peterborough Historical Society Act, 1988.

#### **SCHEDULE**

The land and premises in the City of Peterborough, in the County of Peterborough, being composed of all those parts of lots 10 and 11 north of Brock Street and west of George Street lying south and west of the right-of-way of the Canadian National Railway as shown coloured pink on Registered Instrument Number 5409 for the Town of Peterborough, excepting therefrom the northerly 83 feet from front to rear thereof, and that part of Lot Number 11 described as follows:

COMMENCING at the southwest angle of Lot Number 11;

THENCE easterly along the southerly limit of Lot Number 11, 38 feet;

THENCE northerly parallel with the westerly limit of Lot Number 11, 100 feet;

THENCE westerly parallel with the southerly limit of Lot Number 11, 38 feet, more or less, to the westerly limit of Lot Number 11;

THENCE southerly along the westerly limit of Lot Number 11, 100 feet to the place of beginning.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

Luy. Gre

# Bill Pr54

(Chapter Pr8 Statutes of Ontario, 1988)

## An Act to revive the Toronto Ski Club

Mr. Lipsett

1st Reading November 19th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



1987

#### An Act to revive the Toronto Ski Club

Whereas Eric Button and David Kinnear hereby represent Preamble that the Toronto Ski Club, herein called the Corporation, was incorporated by letters patent dated the 20th day of October, 1924, as a corporation without share capital; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982, and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicants were members, directors and officers of the Corporation at the time of its dissolution and are members and officers of the on-going organization carried on in the name of the Corporation since its dissolution; that the notice of default and the notice of dissolution issued on behalf of the Minister were not received by the Corporation or any of its officers and directors; that the default and failure to comply occurred by reason of inadvertence; that the applicants were not aware of the dissolution of the Corporation until more than two years after the date thereof; that at the time of dissolution the Corporation held certain real and personal property on behalf of its members; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Toronto Ski Club is hereby revived and is, subject Corporation to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation substituted for Public Trustee 1982, c. 4 **2.** The Toronto Ski Club is substituted in place of the Public Trustee in respect of any action or proceeding taken by the Public Trustee under section 184 of the *Business Corporations Act*, 1982 in respect of the assets of the dissolved Corporation.

Public Trustee to be indemnified **3.** The Toronto Ski Club shall indemnify the Public Trustee for all costs, liabilities and obligations incurred by the Public Trustee as a result of any action taken by the Public Trustee under section 184 of the *Business Corporations Act*, 1982 in respect of the assets of the dissolved Corporation.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Toronto Ski Club Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

Puer's Cyo

# Bill Pr55

(Chapter Pr53 Statutes of Ontario, 1988)

## An Act to revive 288093 Ontario Limited

Mrs. LeBourdais

CLERK LEGISLATIVE ASSEMBLY

1st Reading October 18th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



1988

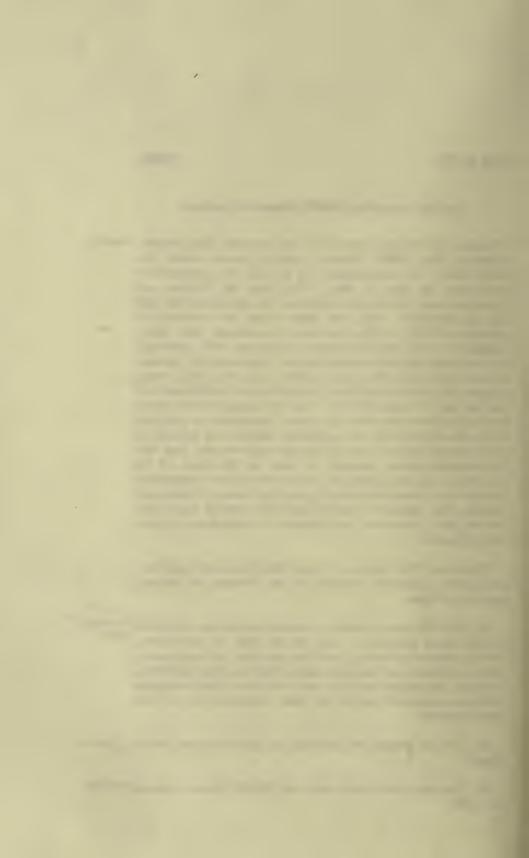
#### An Act to revive 288093 Ontario Limited

Whereas Ante Bebek, Mato Stojic and Andelko Divic hereby Preamble represent that 288093 Ontario Limited, herein called the Corporation, was incorporated by articles of incorporation dated the 7th day of May, 1974; that the Minister of Consumer and Commercial Relations, by order dated the 2nd day of November, 1981, and made under the authority of subsection 251(3) of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in complying with The Corporations Tax Act, 1972, being chapter 143, and declared the Corporation to be dissolved on the 2nd day of November, 1981; that the applicants were all of the shareholders and directors of the Corporation at the time of its dissolution; that the applicants allowed the articles of incorporation to be dissolved through inadvertence; that the Corporation owned property in trust at the time of its dissolution; that the applicants wish to revive the Corporation in order that it may deal with its property it owns in trust; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. 288093 Ontario Limited is hereby revived and is subject Corporation to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the 288093 Ontario Limited Short title Act. 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

Puly Cys

# Bill Pr56

(Chapter Pr29 Statutes of Ontario, 1988)

## An Act respecting the City of Toronto

Mr. Kanter

CLERK
LEGISLATIVE ASSEMBLY

1st Reading November 30th, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



1987

### An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 10 (6) of An Act respecting Power of The City of Toronto, being chapter 86 of the Statutes of lease land Ontario, 1903, the Corporation may lease to any person for for parking parking purposes, on such terms and conditions as may be agreed upon, any part of the lands in the Ordnance Reserve Plan bounded on the north by the Frederick C. Gardiner Expressway lands, on the south by Fleet Street, on the west by Strachan Avenue and on the east by the west limit of Garrison Road, until such time as the lands are required by the Commissioner of Parks and Recreation of the Corporation for parks purposes.

council to

- 2.—(1) In this section, "social housing program" means a Definition program or project,
  - (a) that, in the opinion of the council of the Corporation, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of,
    - (i) the amount required to finance, operate and maintain such accommodation without profit, or
    - (ii) the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agency thereof,

and such accommodation is entirely owned by or leased to, and operated by one or more of,

1986, c. 63

(iii) a "non-profit co-operative housing corporation" as defined in the Residential Rent Regulation Act, 1986, or

R.S.C. 1970, c. N-10

- (iv) a "non-profit corporation" as defined in the *National Housing Act* (Canada); or
- (b) that provides housing accommodation that is owned and operated by or on behalf of the City of Toronto Non-Profit Housing Corporation.

By-laws respecting densities 1983, c. 1 (2) In any by-law passed under section 34 of the *Planning Act, 1983*, the council of the Corporation may, in addition to prescribing densities under the authority of that section, prescribe one or more residential densities of development applicable to any land in respect of which the owner of the land and the operator of the housing accommodation, if different from the owner, agrees with the Corporation to provide all or such proportion as specified in the by-law, of the housing accommodation located or to be located on such land, for the purpose of a social housing program.

Requiring agreements

(3) The Corporation may require an owner, and operator if different from the owner, to enter into one or more agreements respecting the provision of social housing accommodation referred to in subsection (2).

Registration of agreements

- R.S.O. 1980, cc. 445, 230
- (4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Validity of agreements

(5) No agreement made under subsection (3) shall be declared to be invalid by reason only of the failure to specify particulars of a social housing program.

Consent of City required for conveyance, etc. (6) Where an agreement has been registered under subsection (4), no person shall, during the operation of the agreement, convey any unit of housing accommodation which is part of a social housing program, by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to the unit, or mortgage or charge the unit, or enter into an agreement of sale and purchase respecting the unit, or enter into any agreement which has the effect of granting the use of or right in the unit directly or by entitlement to renewal

for a period of twenty-one years or more without the written consent of the Corporation.

(7) Where an agreement has been registered under sub- Conveyance, section (4), an agreement, conveyance, mortgage or charge to subs. (6) made, or a power of appointment granted, assigned or exercised in contravention of subsection (6), does not create or convey any interest in the unit.

(8) Where notice of an agreement under subsection (4) has Where R.S.O. 1980, been registered against land to which the Land Titles Act c. 230 applies applies, the Corporation shall apply to the Land Registrar to R.S.O. 1980, have an entry made on the register that,

- (a) no transfer shall be made or charge created;
- (b) no notice of agreement of sale and purchase shall be registered; and
- (c) no lease or notice of lease having the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one vears or more shall be registered.

unless the consent of the Corporation is given to such transfer, charge, notice of agreement, lease or notice of lease and subsection 117 (4) of the Land Titles Act applies.

R.S.O. 1980,

(9) Where a written consent under subsection (6) has been Certificate of given by the Corporation, the clerk of the Corporation shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the Corporation has been obtained and the certificate of the clerk is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and, after the certificate has been given, no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office.

(10) No by-law passed by the council that implements sub- Validity of section (2) shall be invalidated by reason only that the effect restricting thereof is to restrict occupancy of housing accommodation to occupancy such persons or class or classes of persons as are set out in the by-law.

(11) A by-law that implements subsection (2) may provide Offence that any person entering into an agreement under subsection (3) who fails to provide the proportion or number of units for such period of time as may be specified in the agreement for

the purposes of a social housing program is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000.

Damages

(12) In addition to the penalty set out in subsection (11), every owner who contravenes any of the provisions of an agreement entered into under subsection (3) is liable for damages payable to the Corporation in an amount equal to the difference between the charge that should have been made for the housing accommodation under the agreement and the actual charge made for such housing accommodation for the period of time that the owner or operator has contravened the agreement and such damages may be recovered as a debt due to the Corporation.

Contents of agreement

(13) Subsections (6), (7) and (8) do not apply to an agreement unless those subsections are set out in the agreement.

Exemptions or reductions 1983, c. 1

(14) In any by-law passed under section 34 of the *Planning Act, 1983* that implements subsection (2), the council of the Corporation may give exemptions or reductions, or both, from the zoning provisions and standards otherwise applicable to similar forms of housing accommodation which are not part of a social housing program.

Council not required to pass by-law 1983, c. 1 (15) The council of the Corporation shall not be required to pass any by-law under subsection (2) notwithstanding subsection 34 (11) of the *Planning Act*, 1983 and notwithstanding that any proposed development complies with the definition of social housing program in subsection (1).

Agreements with owner (16) The Corporation may enter into an agreement with the owner of land proposing a development on the land that is to contain housing accommodation for the purposes of a social housing program but for which no by-law under section 34 of the *Planning Act*, 1983 prescribing the matters set out in subsection (2) is required and the agreement may contain provisions respecting the maintenance of the accommodation and such other terms as are agreed between the owner and the Corporation and subsections (4), (5), (6), (7), (8), (9) and (13) apply to the agreement.

Deeming provision

1975, c. 117

(17) A reference in any by-law passed by the council of the Corporation before this section comes into force to "assisted housing", "assisted housing program" or an "owner" of land who has entered an agreement under section 5 of *The City of Toronto Act*, 1975 (No. 2) shall be deemed to be references to "social housing", "social housing program" and an "owner of land and operator of the housing accommodation if different from the owner", respectively.

1987

(18) Any by-law passed under subsection 5 (2) and any By-laws and agreement entered into under subsection 5 (2) and this agreements continued Toronto Act, 1975 (No. 2), being chapter 117, before this Act 1975, c. 117 comes into force, shall continue in full force and effect until repealed or revoked by the Corporation.

#### 3.—(1) In this section,

Definitions

"bus" means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons:

"City Clerk" means the clerk of the corporation;

"motor vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a street car, or other motor vehicles running only upon rails or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine:

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

(2) The council of the Corporation may pass by-laws,

By-laws designating zones for

- (a) designating zones for the parking of buses on public parking buses highways under the jurisdiction of the Corporation;
- (b) regulating the use of such designated zones;
- (c) providing for the time or times during which such designated zones shall operate; and
- (d) prohibiting the parking, stopping or standing of any vehicle other than a bus within such designated zones.
- **4.**—(1) The council of the Corporation may by by-law,

By-laws respecting

allow the parking of motor vehicles, or any class or parking classes thereof, on designated public highways or parts of highways during specified hours pursuant to permits issued to the owners of the vehicles by an official named in the by-law;

- (b) charge such fee as the council may decide for the parking permit;
- (c) provide for cancelling the permits and refunding the unexpired portion of the fee;
- (d) prohibit the parking of motor vehicles on the designated public highways or parts of highways during the specified hours unless a permit has been issued under the by-law; and
- (e) allow persons to whom a permit has been issued under the by-law to park the motor vehicle in respect of which such permit has been issued on public highways or parts thereof designated under the by-law without using any automatic or other mechanical meter or device erected thereon.

Notice

(2) Before passing a by-law under this section, notice of the intention of the Corporation to pass the by-law shall be sent by prepaid mail to all persons rated on the last assessment roll returned to the City Clerk, as amended by decisions of the Assessment Review Board and by written information received by the City Clerk with respect to land abutting on the parts of the highway to be designated, at the addresses shown for such persons in the roll.

Determination by City Clerk (3) The City Clerk shall determine whether the information referred to in subsection (2) is appropriate for the purpose, and the determination thereof by the City Clerk and of the persons entitled to notice shall be evidenced by a certificate of the City Clerk and when so evidenced is final and conclusive.

Proviso

(4) Nothing in subsection (2) authorizes the City Clerk to act on the basis of information not contained in the assessment roll unless it is reasonable for the City Clerk to assume that such information is correct and the information shown on the assessment roll is incorrect, incomplete or out of date.

Petition

(5) Unless a petition objecting to the passing of the proposed by-law, signed by at least two-thirds of the persons entitled to notice as aforesaid, is received by the City Clerk within one month next following the latest day of the mailing of any such notices, the Corporation may pass the by-law but, if a petition objecting to the passing of the proposed by-law, signed by at least two-thirds of the persons entitled to notice as aforesaid, is received by the City Clerk within such time, the Corporation shall not pass the by-law.

(6) Where the council of the Corporation has proceeded Saving under this section and has been prevented from passing the proposed by-law by reason of a petition objecting thereto having been presented under subsection (5), the council may again proceed under this section in respect of the highways or parts thereof proposed to be designated by such by-law at any time after the expiry of the two years next following the presentation of the petition.

(7) The net revenue derived from the operation of the per- Reserve fund mit parking shall be paid into a reserve fund and applied as set out in clause (f) of paragraph 55 of section 208 of the Municipal Act.

R.S.O. 1980. c. 302

(8) A by-law under this section may provide a procedure Enforcement for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person, other than the owner or his or her chauffeur, without the owner's consent.

#### 5.—(1) In this section,

**Definitions** 

"building" means a building as defined in the Building Code R.S.O. 1980, Act;

"hazard building" means a building to which two or more of the following criteria apply, namely,

(a) an application to demolish has been made to the council of the Corporation under the Rental Hous-1986, c. 26 ing Protection Act, 1986 or section 33 of the Plan- 1983, c. 1 ning Act, 1983, unless permission has been granted under those Acts and demolition of the building has been commenced.

(b) a building permit for work to be done has been issued under the Building Code Act and no work R.S.O. 1980, has been done under the building permit for a period of at least twelve consecutive months.

- (c) damage of any kind to any part of the building has occurred by reason of fire and the damage has not been repaired,
- (d) the building does not contain an operational heating system capable of maintaining an inside tempera-

- ture of 10 degrees Celsius throughout the building at an outside temperature of 18 degrees Celsius,
- (e) the supply of electrical power has been discontinued by the Toronto Electric Commissioners and not reinstated,
- (f) a building within which any piping for the flow of water has been ruptured and the piping has not been repaired, or
- (g) damage of any kind has been sustained to any part of a ceiling, floor or wall as a result of the conditions described in clauses (d), (e) or (f) and the damage has not been repaired;
- "inspector" means a person designated by either the Fire Chief of the Corporation or the Commissioner of Buildings and Inspections of the Corporation as an inspector for the purpose of administering and enforcing a by-law enacted under this section;
- "non-hazard building" means a building which is not a hazard building;
- "owner" means the owner of a building and includes,
  - (a) the person for the time being managing or receiving the rent of the building whether on his or her own account or as agent or trustee of any other person or who would so receive the rent if the building were let,
  - (b) a vendor of the building under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement, or
  - (c) the person for the time being receiving instalments of the purchase price of the building under an agreement of purchase and sale on his or her own account or as agent or trustee of any other person or who would so receive the instalments of the purchase price if the building were sold under an agreement for sale.
- By-laws re vacant buildings
- (2) The council of the Corporation may pass by-laws,
  - (a) prescribing standards to protect against entry of a vacant hazard building or vacant non-hazard building or to detect and signal the presence of a person

within a vacant hazard building or vacant nonhazard building;

- (b) requiring an owner of a vacant hazard building to comply with the standards set out in the by-law; and
- requiring an owner of a non-hazard building to comply with the standards set out in the by-law within 180 days of the building becoming vacant.

#### (3) If,

Noncompliance order

- (a) an owner of a vacant hazard building does not comply with the standards established under clause (2) (a); or
- (b) an owner of a non-hazard building does not comply with the standards established under clause (2) (a) within 180 days of the building becoming vacant,

an inspector may, by personal service or by registered mail in accordance with subsection (5), serve upon each person shown by the records of the land registry office to be either an owner or a mortgagee of the land upon which the building is located an order in writing directing compliance with the standards established under clause (2) (a) within such time as the inspector specifies in the order.

(4) Where an inspector serves an order under subsection Contents (3), the order shall contain sufficient information to specify the non-compliance and the work required to comply with the standards established under clause (2) (a).

(5) Where an order prepared under subsection (3) is sent Service by registered mail to the last known address of the person upon whom it is to be served and a copy thereof is affixed to the building upon which the work is to be done, the order shall be deemed to be properly served upon the person to whom it is sent.

(6) Where an order has been served under subsection (3) When Corporation and the work specified in the order is not done by the time may do work specified therein, the Corporation, in addition to any other remedies it may have, may do the work required to be done by the order.

(7) The Corporation shall have a lien for any amount Lien expended by or on behalf of the Corporation under subsection (6) and for a fee covering the reasonable administrative costs of the Corporation, together with interest thereon at a rate to

be fixed from time to time by the council, and the certificate of the Clerk of the Corporation as to the total amount shall be final and such total amount may be added to the collector's roll to be collected in one year or to the proper collector's rolls to be collected by instalments over a period of not more than five years and the total of each instalment may be collected in the same manner as real property taxes.

Entry

- (8) An officer, employee or agent of the Corporation or an inspector may enter and have access to, through and over any non-hazard building or hazard building for the purposes of enforcing this section or a by-law made thereunder and includes.
  - (a) the making of examinations, investigations, tests or inquiries; and
  - (b) the doing of such work as is authorized under subsection (6).

Reasonable times (9) The authority under subsection (8) shall be exercised only at reasonable times.

Produce identification

(10) A person mentioned in subsection (8) shall, upon request, produce proper identification, including evidence of that person's authority or appointment, before entering a hazard or non-hazard building.

Private residences

(11) Subsection (8) is not authority to enter a private residence actually being used as a dwelling without the consent of the occupier.

Evidence

(12) A copy of any written or recorded material related to an examination, investigation, test or inquiry and purporting to be certified by a person mentioned in subsection (8) is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original.

Application for a warrant

- (13) If an owner of a non-hazard building or a hazard building cannot be located or if the owner or an agent, officer or employee of the owner,
  - (a) denies entry or access to, through or over the non-hazard building or hazard building to a person mentioned in subsection (8);
  - (b) instructs a person mentioned in subsection (8) to leave the non-hazard building or hazard building;

- (c) obstructs a person mentioned in subsection (8) who is acting for a purpose mentioned in that subsection;
- (d) refuses to comply with a request for the production of any thing the production of which is requested for the purpose of an examination, investigation, test or inquiry for a purpose mentioned in subsection (8).

a person mentioned in subsection (8) may apply to a justice of the peace for a warrant under subsection (16).

(14) No person shall hinder or obstruct a person mentioned Obstruction in subsection (8) lawfully carrying out a power, duty or a direction under this section or a by-law enacted under this section.

prohibited

(15) A refusal of consent to enter a private residence is not Refusal of and shall not be deemed to be hindering or obstructing within the meaning of subsection (14).

(16) Where a justice of the peace is satisfied on evidence Warrant by upon oath,

justice of the peace

- (a) that there is reasonable and probable ground for believing that it is necessary to enter and have access to, through and over any non-hazard building or hazard building, for any purpose mentioned in subsection (8);
- (b) that the owner of a non-hazard building or hazard building cannot be located; or
- (c) that a person mentioned in subsection (8),
  - (i) has been denied entry to a non-hazard building or hazard building,
  - (ii) has been instructed to leave a non-hazard building or hazard building,
  - (iii) has been obstructed, or
  - (iv) has been refused production of any thing related to an examination, investigation, test or inquiry,

the justice of the peace may issue a warrant authorizing a person mentioned in subsection (8) to act as mentioned in clause (a) in respect of the premises specified in the warrant, by force if necessary, together with such police officer or officers as that person may call upon for assistance.

Execution of warrant

(17) A warrant issued under this section shall be executed at reasonable times as specified in the warrant.

Expiry of warrant

(18) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Ex parte application

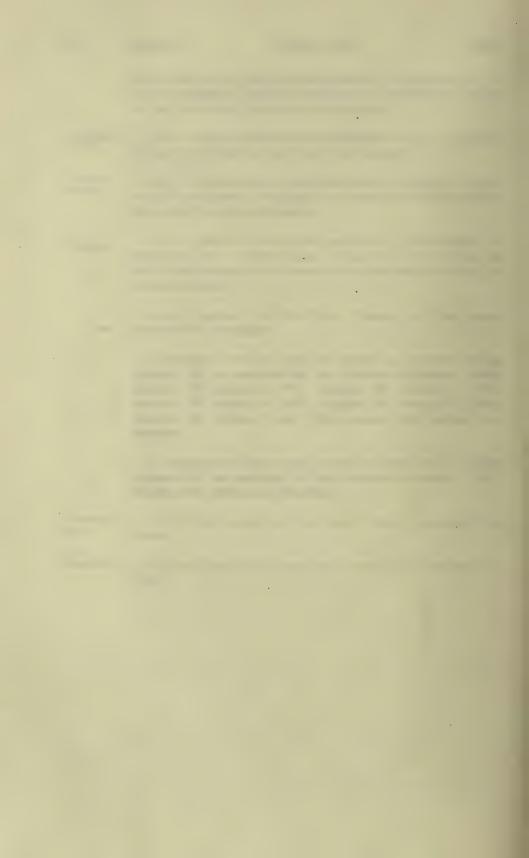
- (19) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner of the non-hazard building or hazard building.
- 6.—(1) Section 3 of *The City of Toronto Act*, 1964, being chapter 145, is repealed.
- (2) Section 3 of *The City of Toronto Act, 1960-61*, being chapter 137, as amended by the Statutes of Ontario, 1966, chapter 187, section 5, 1971, chapter 130, section 12, 1972, chapter 199, section 4, 1973, chapter 213, section 9, 1976, chapter 105, section 2 and 1980, chapter 126, section 2, is repealed.
- (3) Section 5 of *The City of Toronto Act*, 1975 (No. 2), being chapter 117, as amended by the Statutes of Ontario, 1981, chapter 103, section 3, is repealed.

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the City of Toronto Act, 1988.





1st SESSION, 34th LEGISLATURE, ONTARIO

Put. Su

37 ELIZABETH II, 1988

Bill Pr58

(Chapter Pr45 Statutes of Ontario, 1988)

An Act respecting the City of North York

Mr. Polsinelli

CLERK LEGISLATIVE ASSEMBLY

1st Reading June 14th, 1988

2nd Reading June 29th, 1988

3rd Reading June 29th, 1988

Royal Assent June 29th, 1988

BULLIS

Bill Pr58

1988

#### An Act respecting the City of North York

Whereas The Corporation of the City of North York considers Preamble it desirable to establish a corporation to maintain, operate, manage, market and promote the North York Performing Arts Centre as an artistic, cultural, social, educational and recreational facility for the benefit of the City of North York and its inhabitants and in the public interest; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

"board" means the board of directors of the corporation;

"City" means The Corporation of the City of North York;

"corporation" means The North York Performing Arts Centre Corporation as established by this Act;

"council" means the council of the City;

"North York Performing Arts Centre" means any land, buildings, fixtures and undertakings within the City of North York that is owned or available to or used by the corporation.

2.—(1) There is hereby established a corporation without Corporation share capital under the name of "The North York Performing Arts Centre Corporation".

- (2) The corporation shall be composed of those persons Composition who comprise its board.
- 3. The corporation shall be carried on without the purpose Non-profit of gain and any income or other accretions to the corporation shall be used in promoting its objects.

corporation

Application of 1982, c. 4, s. 21

**4.** Section 21 of the *Business Corporations Act*, 1982 applies with necessary modifications to oral and written contracts entered into in the name of or on behalf of the corporation before the day this Act comes into force.

Objects

- 5. The objects of the corporation, for charitable purposes, are to maintain, operate and manage the North York Performing Arts Centre for the benefit of the public and, without limiting the generality of the foregoing,
  - (a) to provide facilities and services for the performing arts, the fine arts and other charitable and cultural activities;
  - (b) to establish educational facilities and provide instruction in all areas of the arts;
  - (c) to provide facilities and services for holding receptions, meetings, conferences, conventions, exhibitions and displays;
  - (d) to operate an art gallery, gift shop, theatre, music hall, studio theatre, concert hall, ballroom, film, television or recording studio, refreshment stands and restaurants;
  - (e) to promote the advancement of the performing and fine arts;
  - (f) to present, produce, manage and conduct performances of the performing arts, including plays, dramas, comedies, revues, operas, concerts, musicals, television shows, video tapes, sound recordings, films, variety, ballets, shows and other artistic undertakings;
  - (g) to promote and market the North York Performing Arts Centre; and
  - (h) to oversee, arrange or contract for and supervise the design, construction and promotion of any building or structure for the North York Performing Arts Centre.

Board of directors

**6.**—(1) The corporation shall have a board which shall manage, supervise and conduct the affairs of the corporation.

Composition (2) The bo

(2) The board shall be composed of,

- (a) the mayor of the City who shall be a director by virtue of office; and
- (b) eleven other members appointed by the council by by-law of whom.
  - (i) three shall be members of council, and
  - (ii) eight shall not be members of council and shall include at least three representatives of the business community and at least two representatives of the arts community.
- (3) Subject to subsection (4), the directors shall hold office Term until the expiration of the term of council that appointed them and until their successors are appointed.

(4) The first directors shall hold office for four years.

First directors

(5) Directors shall serve without remuneration and no director shall directly or indirectly receive any profit from the office of director but a director may be paid or reimbursed for reasonable expenses incurred in the performance of the director's duties.

Remuner-

7. A majority of the directors constitutes a quorum at any Quorum meeting of the board and if there are vacancies on the board, a majority of the remaining directors constitutes a quorum.

8.—(1) The meetings of the board shall be open to the Open public and no person shall be excluded from a meeting except for improper conduct as determined by the chairperson of the board.

meetings

- (2) Despite subsection (1), meetings of the board may be Exceptions closed to the public during discussion of,
  - (a) employment matters, including wages, salaries, benefits, discipline and collective bargaining;
  - (b) litigation and communications respecting solicitorclient relationships, including legal opinions and advice:
  - proposed or actual contracts with individuals, organizations and corporations and the financial results thereof; and
  - (d) any other matter which the board in its discretion determines as appropriate for private discussion.

Indemnification

- **9.**—(1) Subject to subsection (2), every director or officer of the corporation and the heirs, executors, administrators and other legal personal representatives of every director or officer shall be indemnified by the corporation from and against,
  - (a) any liability and all costs, charges and expenses sustained or incurred in any action or proceeding that is proposed or commenced against him or her for any act done or permitted to be done in the execution of the person's duties; and
  - (b) all other liability, costs, charges and expenses that the director or officer sustains or incurs in respect of the affairs of the corporation.

Limitation

(2) No director or officer of the corporation shall be indemnified by the corporation in respect of any liability, costs, charges or expenses sustained or incurred in connection with any action or proceeding unless the person acted honestly and in good faith with a view to the best interests of the corporation.

Duties of directors, officers 10. Every director and officer of the corporation shall exercise the powers and discharge the duties of the office honestly and in good faith with a view to the best interests of the corporation, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Officers

11.—(1) Subject to subsection (2), officers shall be appointed by the board with the prior approval of council to hold office until their successor is appointed.

First officers

(2) The first officers of the corporation shall be appointed for five years.

Manager

(3) The board shall appoint the commissioner of economic development of the City as the first general manager and first chief executive officer of the corporation.

Assistant manager

(4) The board shall appoint the civic projects officer of the City as the first assistant general manager of the corporation.

Legal counsel

(5) The board shall appoint the solicitor of the City as the first legal counsel for the corporation.

Treasurer

(6) The board shall appoint the treasurer of the City as the first treasurer of the corporation.

- (7) The board shall appoint the clerk of the City as the first Secretary secretary of the corporation.
  - (8) The secretary shall,

Duties of secretary

- (a) give notice of the meetings of the board;
- (b) keep all minutes of meetings and proceedings of the board: and
- (c) submit to the board at each of its meetings the minutes of the last meeting of the board.
- 12.—(1) All contracts exceeding \$500,000 that the cor- When prior poration proposes to enter shall be submitted to council for its approval and, if approved, shall be executed by the secretary required and the general manager.

approval of contracts

(2) The procedures and practices of the board respecting Procedures contracts and tenders shall be substantially similar to the procedures and practices of the council respecting contracts and tenders.

respecting

(3) The board may enter into an agreement with any per- Agreements son to manage, operate or maintain the North York Performing Arts Centre or any part thereof but the prior approval of council is required in respect of any proposed agreement to operate the main theatre of the North York Performing Arts Centre.

13.—(1) The City may grant to the corporation, by by-Real law, any interest in real property held by the City for the purposes of the corporation.

(2) Despite subsection (1), the City may by by-law assume the management of the land, buildings, fixtures and undertakings of the corporation, and in such event the corporation shall be divested of its responsibilities in relation to such property, as the City may determine.

Assumption by City

(3) The corporation shall not acquire, hold or dispose of Restriction any interest in any real property without the approval of council.

**14.**—(1) The corporation shall provide council with state- Financial ments of,

statements

- (a) revenues and expenditures;
- (b) profit and loss; and

(c) such financial matters or operating expenditures as council may require,

in such form as the treasurer of the City may require and at such times as council may require.

Accounting records

(2) The corporation shall keep, in such form as the treasurer of the City may require, proper books of account and accounting records with respect to all financial and other transactions of the corporation, including records of all sums of money received from any source and disbursed in any manner.

Auditor

(3) The accounts, books and records of the corporation shall be audited annually by the auditor of the City and shall be submitted to council annually on or before the date specified by council.

Fiscal year

(4) The fiscal year of the corporation shall be the same as the fiscal year of the City.

Budget

**15.**—(1) The corporation shall prepare, in such form as the treasurer of the City may require, a detailed annual budget of estimated revenues and expenditures, including the estimated revenues and expenditures of any reserve fund of the corporation.

Submission to council (2) The corporation shall submit to council the budget and such other information as council may require.

Approval of council required for budget

(3) The annual budget of the corporation is subject to the approval of council, and, except with the approval of council, no obligation other than normal operating expenses may be incurred or expenditure made by the corporation prior to that approval.

Requisition to council

**16.**—(1) The corporation may requisition council for any sums of money it requires to carry out its objects and duties.

Approval of council

(2) Council may approve the sums so requisitioned or such other amounts as it determines.

Annual report

17. The corporation shall prepare and submit an annual report to council.

Limitation on powers

**18.**—(1) The corporation shall not incur any indebtedness or obligation, contingent or otherwise, or expend any moneys except as authorized by this Act.

(2) Within the limits of its budget, as approved by council, Authorized the corporation may expend such moneys and incur such obligations as are necessary to carry out its objects, powers and duties.

(3) Despite subsection (2), the corporation may, with the Exception approval of council, incur indebtedness and other obligations and expend moneys in excess of the approved budget for any fiscal period.

(4) Where any indebtedness or obligation proposed to be O.M.B. incurred would extend beyond the term of council then in office, the approval of the council to the incurring of the indebtedness or obligation is subject to sections 64 and 65 of the Ontario Municipal Board Act as though the giving of the R.S.O. 1980, approval were the incurring of a debt or obligation or the making of an expenditure by the City.

#### **19.**—(1) In this section.

Definitions

"conservation" means the repair, alteration and replacement of building components and systems, other than maintenance of a routine or minor nature conducted on a day to day basis;

"emergency repairs or replacements" means unanticipated repairs or replacements due to sudden failure or breakage which are necessary for the safe use of the North York Performing Arts Centre.

(2) The corporation shall establish and maintain an ade- Reserve fund quate reserve fund for the conservation of the North York Performing Arts Centre.

(3) The requirements of the reserve fund shall be deter- Requirements mined on the basis of reasonably anticipated costs of repairs of regions of reasonably anticipated costs of repairs and alterations to and replacements of building components and systems and the life expectancy of the components and systems.

(4) The corporation shall invest the assets of the reserve Investments fund in investments in which the moneys of a municipality may be invested under subsection 169 (2) of the Municipal Act R.S.O. 1980 and all income from the investments shall be credited to the reserve fund.

(5) The assets of the reserve fund shall be kept separate Reserve fund from the other assets of the corporation.

to be kept separate

Use of reserve fund

(6) The reserve fund for conservation shall be applied in accordance with the annual budget of the corporation, as approved by council, and may be used for emergency repairs or replacements of building components and systems not covered in the annual budget.

Borrowing

**20.** The City may borrow money for any of the objects of the corporation by the issue of debentures and may levy therefor on the rateable property in the City.

Claims, etc.

**21.** Subject to any agreement of the City to the contrary, all claims, accounts, demands or causes of action arising from or relating to the objects of the corporation or from the exercise of any of the powers of the corporation shall be made upon and brought against the corporation and not upon or against the City.

Council may require reports, etc.

- 22. The council may require the corporation,
  - (a) to provide information, records, accounts, agendas, notices or documents; and
  - (b) to make a report on any matter,

relating to the carrying out of the purposes and objects of the corporation.

Dissolution of corporation

23.—(1) The council may, by by-law passed by a vote of at least two-thirds of all the members thereof, assume the powers and duties of the corporation and upon the enactment of the by-law, the corporation is dissolved and the City shall possess all of the property, rights, privileges and franchises of the corporation and shall be subject to all of its liabilities, contracts, disabilities and debts.

Insolvency

(2) If the corporation becomes insolvent, the corporation is thereupon dissolved and the City shall possess all of the property, rights, privileges and franchises of the corporation and shall be subject to all of its liabilities, contracts, disabilities and debts.

Application of R.S.O. 1980, c. 140

**24.**—(1) Except to the extent that a regulation under clause 40 (f) of the *Environmental Assessment Act* designates an enterprise or activity of the corporation or of the City related to the corporation as an undertaking to which the *Environmental Assessment Act* applies, the enterprises, proposals, plans, activities or programs of the corporation shall be deemed not to be an undertaking to which the *Environmental Assessment Act* applies.

(2) For the purposes of any designating regulation referred Deeming to in subsection (1), subsection (1) shall be deemed to be an exempting regulation under clause 40 (f) of the Environmental R.S.O. 1980, c. 140 Assessment Act.

25. This Act comes into force on the day it receives Royal Commence-Assent.

26. The short title of this Act is the City of North York Short title Act, 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

# Bill Pr60

(Chapter Pr5 Statutes of Ontario, 1989)

# An Act respecting the Sudbury Hydro-Electric Commission

Mr. Campbell

CLERK LEGISLATIVE ASSEMBLY

1st Reading January 31st, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill Pr60

1989

#### An Act respecting the **Sudbury Hydro-Electric Commission**

Whereas the Sudbury Hydro-Electric Commission, herein Preamble called the Commission, hereby applies for special legislation to enable it to pay the whole or part of the cost of the Ontario Health Insurance Plan and the whole or part of the cost of a supplementary health insurance plan for the spouses and children of deceased employees and the spouses and children of deceased retired employees; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Commission may provide insurance in respect of Insurance, hospital, medical, surgical, nursing or dental services and the zation, etc. payment therefor for the spouses and children of deceased employees and the spouses and children of deceased retired employees in the same manner as it may provide for the spouses and children of retired employees under paragraph 48 of section 208 of the Municipal Act.

hospitali-

R.S.O. 1980, c. 302

2. The Commission may contribute toward the cost to the Contributions spouses and children of deceased employees and to the R.S.O. 1980, spouses and children of deceased retired employees of the c. 197 plan of insurance provided for under the Health Insurance Act.

to plan under

3. This Act comes into force on the day it receives Royal Commencement Assent.

4. The short title of this Act is the Sudbury Hydro-Electric Short title Commission Act, 1989.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

Bill Pr61

(Chapter Pr6 Statutes of Ontario, 1989)

An Act respecting The Sisters of Social Service

Ms Collins

CLERK
LEGISLATIVE ASSEMBLY

1st Reading January 9th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill Pr61

1989

## An Act respecting The Sisters of Social Service

Whereas The Sisters of Social Service, of the Roman Catholic Preamble Church, hereby represent that it was provincially incorporated on the 7th day of February, 1927; that it is registered as a charitable organization within the meaning of the Income Tax R.S.C. 1952, Act (Canada); that The Sisters of Social Service owns land known municipally as 88 Fennell Avenue West in the City of Hamilton; that premises known as Holy Spirit Centre are located on the land and used for the purpose of offering retreats and programs for human and spiritual enrichment to worshippers of all faiths; and whereas The Sisters of Social Service hereby applies for special legislation to exempt the aforesaid real property occupied and used by The Sisters of Social Service from taxation for municipal and school purposes, other than local improvement rates; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Hamilton may pass by-laws exempting the land, as defined in the Assessment Act, being the land and premises described in the Schedule, or any portion thereof, from taxes for municipal and school purposes, other than local improvement rates, so long as the land is owned by The Sisters of Social Service and is occupied and used solely by The Sisters of Social Service for the purpose of holding retreats and programs for human and spiritual enrichment.

R.S.O. 1980,

(2) No exemption shall be granted under subsection (1) for Restriction land used by The Sisters of Social Service as their own residence.

(3) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-laws.

2. For the purposes of subsection 101 (9) of the Regional Deemed Municipality of Hamilton-Wentworth Act, the exemption from

exemption R.S.O. 1980, R.S.O. 1980, c. 31 taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the Assessment Act.

Retroactivity

**3.** A by-law passed under section 1 may be retroactive to the 1st day of January, 1988.

Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the Sisters of Social Service Act, 1989.

#### **SCHEDULE**

In the City of Hamilton in The Regional Municipality of Hamilton-Wentworth, being composed of part of Lot 15 in the Fourth Concession of the Township of Barton, now in the said City of Hamilton, and described as follows:

COMMENCING at a concrete monument planted at the intersection of the northern limit of Fennell Avenue with the eastern limit of the road allowance between lots 15 and 16;

THENCE north 18° 31' east along the eastern limit of the said road between lots 15 and 16, 646 feet to a stake planted;

THENCE south 71° 29' east at right angles to the eastern limit of the aforesaid road, 651 feet 9 inches, more or less, to an iron bar planted in the western limit of the subdivision laid out for Messrs. Brown and Duff and shown on plan of survey registered in the Registry Office for the Registry Division of Wentworth as Number 279;

THENCE south 18° 42' west along the western limit of that subdivision, 665 feet 4½ inches, more or less, to an iron bar planted in the northern limit of Fennell Avenue;

THENCE north 69° 45' west along the northern limit of Fennell Avenue, 650 feet 8 inches, more or less, to the place of beginning.

Described in Instrument registered August 14th, 1946 as No. 112274 NS.

EXCEPTING therefrom the parcel of land, conveyed to The Corporation of the City of Hamilton for road widening purposes and comprising part of Township Lot No. 15 in the Fourth Concession of Barton Township (now within the limits of the City of Hamilton), more particularly described as follows:

COMMENCING at a point where the east limit of West 5th Street intersects the north limit of Fennell Avenue;

THENCE easterly along the north limit of the road allowance between concessions 4 and 5 Barton Township (north limit of Fennell Avenue) 10 feet;

THENCE northerly in a straight line 646 feet 35% inches, more or less, to the southwest angle of Lot No. 67 according to Claremont Heights Survey, as registered in the Registry Office for the said County of Wentworth as Plan No. 768;

3

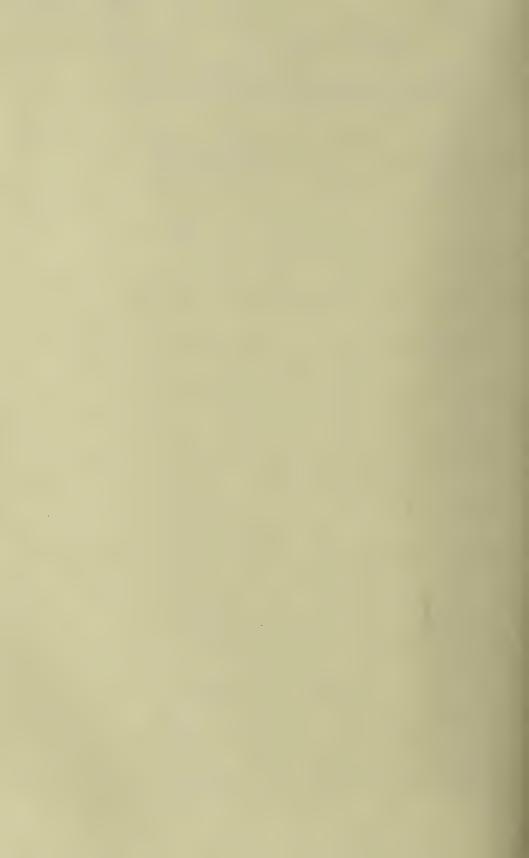
THENCE westerly on the production westerly of the south limit of Lot No. 67, 10 feet, more or less, to where it intersects the said east limit of West 5th Street;

THENCE southerly along the said east limit of West 5th Street, 646 feet, more or less, to the place of beginning.

The above described parcel containing by admeasurement 0.148 acres, more or less, and shown outlined in red on print of City Engineer's Plan No. S. S. 285 Surveys as described in Instrument registered January 26th, 1961 as No. 152296 HL.







Per, Cy se

# Bill Pr62

(Chapter Pr30 Statutes of Ontario, 1988)

## An Act respecting The Windsor Utilities Commission

Mr. Ray
(Windsor-Walkerville)

Pand L. Tikosii

1st Reading December 21st, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

Royal Assent May 24th, 1988



Bill Pr62 1987

### An Act respecting The Windsor Utilities Commission

Whereas The Windsor Utilities Commission, herein called the Preamble Commission, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Commission may provide insurance and hospital, medical, surgical, nursing or dental services and payment therefor for the spouses and children of deceased employees in the same manner as it may provide for the spouses and children of retired employees under paragraph 48 of section 208 of the Municipal Act.

Commission may provide insurance. medical care

R.S.O. 1980, c. 302

(2) The Commission may contribute toward the cost to the Contributions spouses and children of deceased employees of the plan of R.S.O. 1980. insurance provided for under the Health Insurance Act.

to plan under c. 197

2. This Act comes into force on the day it receives Royal Commence-Assent.

3. The short title of this Act is the Windsor Utilities Com- Short title mission Act, 1988.



(Chapter Pr54 Statutes of Ontario, 1988)

### An Act to revive Tavone Enterprises Limited

Ms Collins

CLERK
LEGISLATIVE ASSEMBLY

1st Reading November 3rd, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



### An Act to revive Tavone Enterprises Limited

Whereas Fernando Tavone hereby represents that Tavone Preamble Enterprises Limited, herein called the Corporation, was incorporated by articles of incorporation dated the 3rd day of December, 1982; that by order dated the 25th day of November, 1987 and made under the authority of section 239 of the Business Corporations Act, 1982, being chapter 4, the certificate of incorporation of the Corporation was cancelled for failure to comply with a request under section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and the Corporation dissolved on the 25th day of November, 1987; that the applicant was the sole director and holder of all the issued shares of the Corporation at the time of its dissolution; that the failure to comply with the said Act occurred by reason of inadvertence; that the Corporation, at the time of its dissolution, was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Tavone Enterprises Limited is hereby revived and is, Corporation subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Tavone Enterprises Short title Limited Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988



### Bill Pr65

(Chapter Pr55 Statutes of Ontario, 1988)

# An Act respecting the Kitchener and Waterloo Community Foundation

Mr. Cooke (Kitchener)

CLERK LEGISLATIVE ASSEMBLY

1st Reading October 19th, 1988

2nd Reading December 7th, 1988

3rd Reading December 7th, 1988

Royal Assent December 15th, 1988



1988

#### An Act respecting the **Kitchener and Waterloo Community Foundation**

Whereas The Kitchener and Waterloo Community Founda- Preamble tion hereby applies for special legislation to amend the number of its directors from nine to a minimum of nine and a maximum of fifteen, with the actual number of directors to be fixed by by-law of The Kitchener and Waterloo Community Foundation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Sections 6 and 7 of the Kitchener-Waterloo Foundation Act, 1984, being chapter Pr3, are repealed and the following substituted therefor:
- 6.—(1) The affairs of the Foundation shall be managed by Board to the Board.

manage affairs

(2) The Board shall be composed of not less than nine Composition members and not more than fifteen members as determined by by-law of the Board.

of Board

(3) The members of the Board shall be appointed by the nominating committee provided for in section 7.

Appointment nominating committee

(4) No decrease in the number of directors shall shorten the term of any director.

Condition

(5) The members shall be appointed so that, as nearly as may be, the term of one-third of the members of the Board expires each year.

Rotation of directors

(6) Members of the Board shall serve without remuneration but are entitled to reimbursement of reasonable expenses.

Remuneration

Term

(7) Subject to subsection (5), the members of the Board shall be appointed for three years.

Reappointment (8) Members of the Board are eligible for reappointment to not more than two consecutive terms but may be reappointed after one year has elapsed from the time the member ceased to hold office.

Vacancies

(9) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by the nominating committee for the unexpired portion of the term of office.

Idem

(10) A vacancy arising in the membership of the Board by reason of an increase in the number of directors or the expiration of a term of office shall be filled by appointment by the nominating committee.

Composition of nominating committee

- **7.**—(1) The nominating committee shall consist of the persons holding the following offices:
  - 1. The Mayor of the City of Kitchener.
  - 2. The Mayor of the City of Waterloo.
  - 3. The Senior Judge of the District Court of the Judicial District of Waterloo.
  - 4. The President of the Kitchener Chamber of Commerce.
  - 5. The President of the Waterloo Chamber of Commerce.
  - 6. The President of the United Way of Kitchener-Waterloo and Area.

Idem

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another person to act as a member during the period in which the original member is unable or unwilling to act.

Meetings of nominating committee (3) The nominating committee shall meet annually or more often upon the call of the secretary of the Board, if any, or upon the call of the chairperson of the nominating committee whenever it is necessary to fill a vacancy on the Board.

(4) The nominating committee may make such rules gov- Procedure erning its procedure, including the appointment of a chairperson, as it considers advisable.

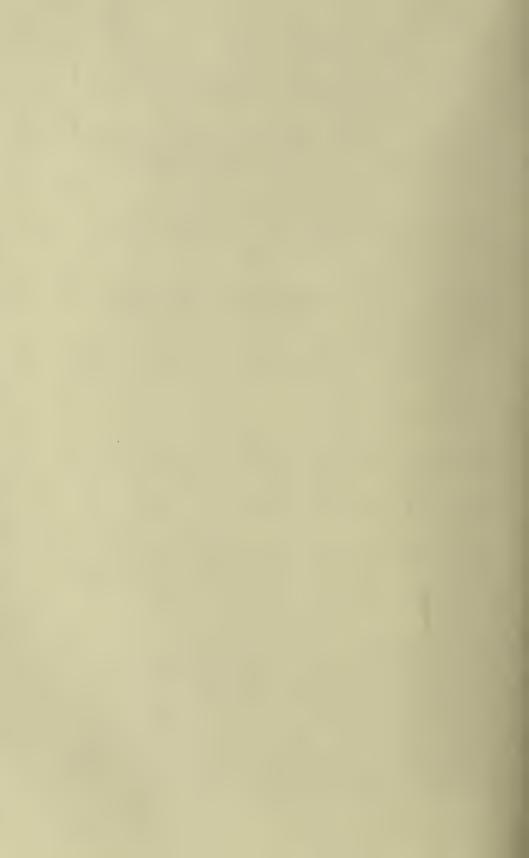
(5) A quorum of the nominating committee for any meet- Quorum ing shall be not less than three of its members present in person, and a majority vote of all the members of the nominating committee is required for the appointment of a member of the Board.

(6) If the nominating committee fails to appoint a person to Failure of fill a vacancy in the membership of the Board within ninety committee days after the vacancy occurs, the remaining members of the Board may fill the vacancy.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Kitchener-Waterloo Short title Foundation Act, 1988.







Pore & Cyon

37 ELIZABETH II, 1988

1st SESSION, 34th LEGISLATURE, ONTARIO

## Bill Pr66

(Chapter Pr56 Statutes of Ontario, 1988)

An Act to revive Ariann Developments Inc.

Mr. Nixon (York Mills)

CLERK
LEGISLATIVE ASSEMBLY

1st Reading October 18th, 1988 2nd Reading December 15th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



#### An Act to revive Ariann Developments Inc.

Whereas Mala Logan hereby represents that Ariann Preamble Developments Inc., herein called the Corporation, was incorporated by articles of incorporation dated the 24th day of December, 1975; that the Minister of Consumer and Commercial Relations by order dated the 25th day of April. 1988, made under the authority of section 239 of the Business Corporations Act, 1982, being chapter 4, cancelled the certificate of incorporation of the Corporation for failure to comply with a request under section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980; that the applicant was the sole director and holder of the common shares of the Corporation at the time of its dissolution; that the request to comply with section 5 of the Corporations Information Act, although sent to the applicant as director, was not received by her until she acquired knowledge of the order cancelling the certificate of incorporation; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation;

and whereas it is expedient to grant the application;

1. Ariann Developments Inc. is hereby revived and is, Corporation subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

- · 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is the Ariann Developments Short title Inc. Act. 1988.

Ler. So

### Bill Pr67

(Chapter Pr31 Statutes of Ontario, 1988)

### An Act respecting the City of Hamilton

Mr. Charlton

LEGISLATIVE ASSEMBLY

1st Reading December 3rd, 1987

2nd Reading May 19th, 1988

3rd Reading May 19th, 1988

May 24th, 1988 Royal Assent



1987

#### An Act respecting the City of Hamilton

Whereas The Corporation of the City of Hamilton considers it Preamble desirable to vary the composition of the board of directors of The Hamilton Entertainment and Convention Facilities Inc., established by the City of Hamilton Act, 1985, being chapter Pr23; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 9 of the City of Hamilton Act, 1985, being chapter Pr23, is repealed and the following substituted therefor:
- 9.—(1) The corporation shall have a board of directors Board of who shall manage, supervise and conduct the affairs of the corporation in accordance with the purposes and objects of the corporation.

(2) The board shall be composed of,

Composition

- (a) the mayor of the City who shall be a director by virtue of office: and
- (b) sixteen other members appointed by the council of whom.
  - (i) seven shall be members of council, and
  - (ii) nine shall not be members of council.
- (3) The directors appointed under subclause (2) (b) (i) shall Term of be appointed for a term of office not exceeding their term of office as members of council.
- (4) Directors appointed under subclause (2) (b) (ii) shall be Idem appointed for a term of three years or such lesser number of

years so that one-third of the directors retires at the end of each year.

Removal

(5) A director may be removed at any time from office by a resolution passed by a majority of the council.

Vacancy

(6) Where the office of a director becomes vacant for any reason, the vacancy may be filled by council for the remainder of the unexpired term of the director whose office is vacant.

Reappointment (7) A director may be reappointed by council upon expiration of his or her term or otherwise.

Remuneration (8) Directors may serve without remuneration or with such remuneration as the council may determine.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the City of Hamilton Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

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### Bill Pr69

(Chapter Pr9 Statutes of Ontario, 1988)

### An Act respecting the City of Windsor

Mr. Ray
(Windsor-Walkerville)

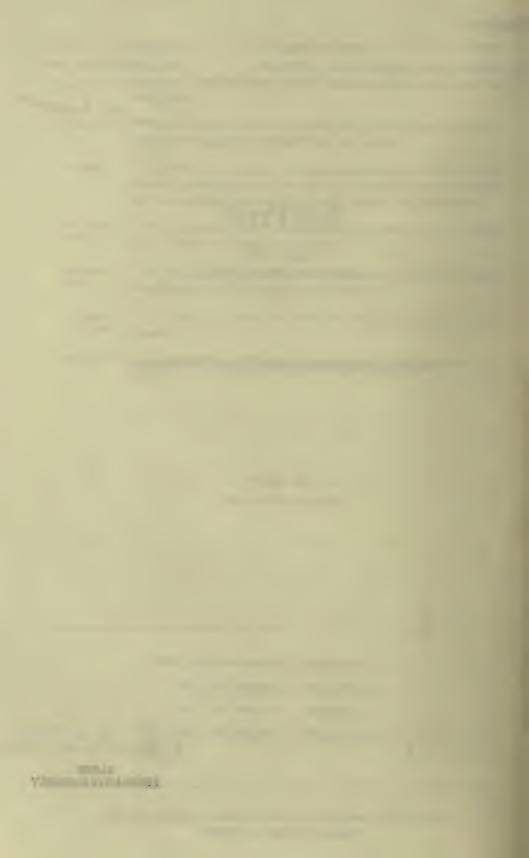
1st Reading November 10th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

CLERK
LEGISLATIVE ASSEMBLY



1987

### An Act respecting the City of Windsor

Whereas The Corporation of the City of Windsor, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this section, "screening fence" means,

Definition

- (a) a berm:
- (b) a dense evergreen hedge;
- (c) an ornamental fence of solid construction excluding a chainlink or other wire fence;
- (d) an ornamental wall of concrete, brick or stone; or
- (e) any combination of the above.
- (2) In a by-law passed under paragraph 149 of section 210 By-laws of the Municipal Act, the Corporation may require the owners screening or operators of public garages to erect, maintain and repair, at fences their own expense, screening fences around public garages to R.S.O. 1980, visually separate areas and to block off views.

(3) A by-law passed under subsection (2) may require that Continuous the screening fence be continuous except at driveway fence entrances or where lines of sight are required for traffic safety purposes.

- 2. Section 2 of The City of Windsor Act, 1977, being chapter 112, as amended by the Statutes of Ontario, 1978, chapter 152, section 4, is repealed and the following substituted therefor:
- 2.—(1) The council of the Corporation may pass any by- Licensing bylaw that The Board of Commissioners of Police for the City of

c. 302, 1972, c. 204

R.S.O. 1980, Windsor is authorized to pass under the Municipal Act or under section 2 of The City of Windsor Act, 1972.

Licensing commission

(2) The council of the Corporation may by by-law establish a licensing commission for the Corporation to be known as the Windsor Licensing Commission composed of three members, one of whom shall be a member of council and two persons who are qualified to hold office as a member of council under section 37 of the Municipal Act.

Powers

(3) The Windsor Licensing Commission may license any trade, calling, business or occupation authorized by by-law of the council under this or any other Act.

Term of office

(4) Members of the Windsor Licensing Commission shall be appointed by the council for a term of one year or until their successors are appointed and are eligible for re-appointment but no member shall hold office beyond the term of the council that made the appointment.

Vacancies

(5) Where a vacancy occurs in the membership of the Commission, the council of the Corporation shall appoint another person for the unexpired portion of the term.

Quorum

(6) The Commission shall elect a chairman and a majority of the members constitutes a quorum.

**Payments** to members

(7) The council of the Corporation may provide for the payment of salaries, expenses or allowances for the members of the Windsor Licensing Commission.

**Powers** 

- (8) The power granted to license any trade, calling, business or occupation or the person carrying on or engaged in it includes.
  - the power to prohibit the carrying on or the engag-(a) ing in it without a licence;
  - the power, after hearing the licensee, to impose conditions on the issuance of a licence or to suspend or revoke a licence; and
  - the power to regulate or govern any trade, calling, business or occupation or the person carrying on or engaging in it.

Application of R.S.O. 1980, c. 484

(9) The Statutory Powers Procedure Act applies to the hearing conducted by the Windsor Licensing Commission under clause (8) (b).

(10) Where a by-law has been passed by the council of the Effect of Corporation under this Act, any by-law of The Board of Commissioners of Police for the City of Windsor respecting licensing has no effect.

(11) The council of the Corporation may by by-law appoint Licence a licence commissioner who, upon receipt of an application sioner, for a licence or renewal thereof, shall make all investigations investigations required by law or by the Windsor Licensing Commission relative to the application and, if the investigations disclose that the applicant is not of good character or that the carrying on of the trade, calling, business or occupation is likely to result in a breach of the law or be adverse to the public interest, the licence commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the licence commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

(12) Where, in the opinion of the licence commissioner, the Suspend or carrying on of a trade, calling, business or occupation by a licence licensee will likely result in a breach of the law or be adverse to the public interest, the licence commissioner shall recommend to the Windsor Licensing Commission that it suspend, revoke or impose conditions on the licence.

(13) The council of the Corporation may by by-law,

Licence fees

- (a) fix an annual fee for the issue or renewal of any licence and charge penalties for the late payment thereof: and
- (b) reduce the licence fee where the licence is in effect for less than one year.
- (14) The council of the Corporation may by by-law author- Temporary ize the licence commissioner of the Corporation, without holding a hearing,

- (a) to suspend any licence for such time and subject to such conditions as the by-law may provide if the licensee has been convicted of a criminal offence so long as the suspension is made within thirty days of the conviction and such suspension may be made notwithstanding that an appeal has been taken from the conviction:
- (b) to suspend any licence for such time and subject to such conditions as the by-law may provide if the licence commissioner knows or has reason to

R.S.O. 1980, c. 198 believe that a safety standards certificate under the *Highway Traffic Act*, was denied with respect to a motor vehicle used in the licensed trade, calling, business or occupation if, without the appropriate repairs having been made, the motor vehicle is being used on any public highway; and

(c) to order a licensee to stop using any motor vehicle used in the licensed trade, calling, business or occupation until such time as the licensee provides the licence commissioner with a safety standards certificate issued under the *Highway Traffic Act* with respect to the motor vehicle and the by-law may authorize the licence commissioner to suspend, subject to such conditions as the by-law may provide, the licensee's licence if the licensee fails, within twenty-four hours of the making of the order, to comply with the order or provide proof satisfactory to the licence commissioner that the motor vehicle is not being used on any public highway.

Idem

(15) No suspension of a licence by the licence commissioner of the Corporation is effective after the expiration of two weeks from the date of suspension or after the next meeting of the licensing commission after the suspension, whichever occurs first.

Conflict R.S.O. 1980, c. 302

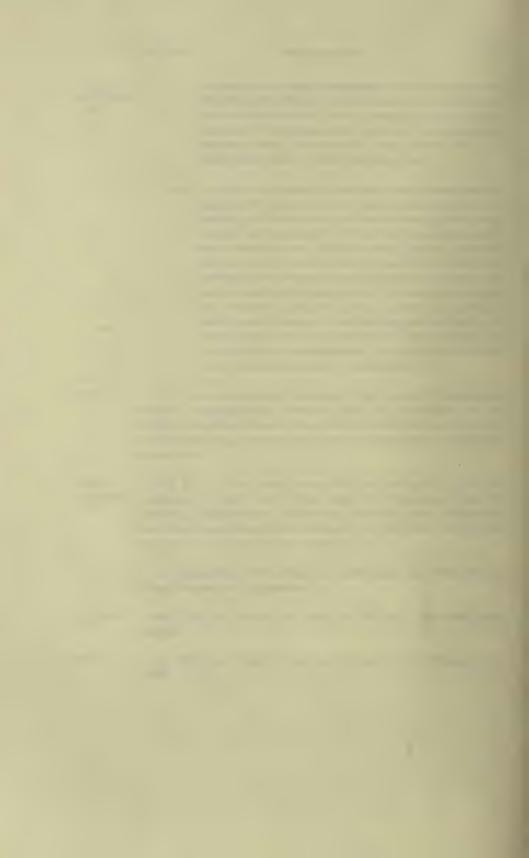
- (16) If a by-law passed under this section conflicts with the provisions of any Act, other than the *Municipal Act*, for licensing, regulating or otherwise controlling any business or the person carrying on any business, the provision of that Act prevails to the extent of the conflict.
- 3. Subsection 3 (9) of the City of Windsor Act, 1982 (No. 2), being chapter 94, is repealed.

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the City of Windsor Act, 1988.





1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

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### Bill Pr70

(Chapter Pr10 Statutes of Ontario, 1988)

### An Act to revive Community Youth Programs Incorporated

Mr. Carrothers

1st Reading November 9th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

LEGISLATIVE ASSEMBLY



1987

#### An Act to revive **Community Youth Programs Incorporated**

Whereas Edward Crighton, Betts Engell, Nicholas Faragher, Preamble Larry Hardabura and Elizabeth Mander hereby represent that Community Youth Programs Incorporated, herein called the Corporation, was incorporated by letters patent dated the 11th day of December, 1973; that the Minister of Consumer and Commercial Relations by order dated the 8th day of September, 1982 and made under the authority of subsection 317 (9) of the Corporations Act, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the Corporations Information Act, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that Edward Crighton is the chairman of the ongoing organization carried on in the name of the Corporation and all the applicants are directors thereof; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was operating a group home and related charitable functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Community Youth Programs Incorporated is hereby Corporation revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises, and

subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement **2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is the Community Youth Programs Incorporated Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

36 ELIZABETH II, 1987

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### Bill Pr71

(Chapter Pr11 Statutes of Ontario, 1988)

### An Act respecting Conrad Grebel College

Mr. Epp

1st Reading November 19th, 1987

2nd Reading January 7th, 1988

3rd Reading January 7th, 1988

Royal Assent January 7th, 1988

CLERK

LEGISLATIVE ASSEMBLY



### An Act respecting Conrad Grebel College

Whereas the churches of the Western Ontario Mennonite Preamble Conference, the Mennonite Conference of Ontario and Ouebec and the United Mennonite Church of Ontario determined to establish a college of higher learning; that for such purposes Conrad Grebel College was incorporated by letters patent on the 20th day of April, 1961 and has provided post secondary education since such date; that the College has been affiliated with the University of Waterloo since the 15th day of December, 1961; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, including the power to grant degrees in the field of theology; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

Definitions

- "alumni association" means such organization of alumni as is from time to time recognized by by-law by the board;
- "board" means the board of governors of the College;
- "Charter Corporation" means Conrad Grebel College as it existed immediately prior to the coming into force of this Act:
- "College" means Conrad Grebel College as incorporated under subsection 2 (1);
- "faculty" means all persons employed by the board on a fulltime basis for teaching or research or both;
- "students" means those persons who are registered as students or who live in a residence operated by the College.

Charter Corporation reincorporated **2.**—(1) The board of governors of the College is hereby constituted a body corporate without share capital under the name of "Conrad Grebel College".

Rights and liabilities continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the College and the liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the College.

By-laws, etc., continued

(3) Subject to this Act, all by-laws, regulations, resolutions and appointments of the Charter Corporation shall continue as by-laws, regulations, resolutions and appointments of the College until amended, repealed or revoked.

Charter Corporation dissolved (4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

- 3. The objects of the College are,
  - (a) to provide post secondary courses of study in the general arts, humanities and sciences; and
  - (b) to provide at the post secondary level, degrees, diplomas and certificate programs and courses of study based on Christian theology.

**Powers** 

- **4.** The College has all the powers necessary to do such things as are incidental or conducive to the attainment of its objects, including, without limiting the generality of the foregoing, the power,
  - (a) to establish and maintain faculties, schools, institutes, centres, departments, chairs and courses of instruction;
  - (b) to confer the following degrees in theology, namely, Bachelor of Theology, Master of Divinity, Master of Theological Studies, Master of Christian Studies, Master of Religious Education, Master of Theology, Master of Sacred Music, Doctor of Theology, Doctor of Ministry and the honorary Doctorate of Divinity; and
  - (c) to federate or affiliate with other universities, colleges and institutions.

Investment

5. The funds of the College not immediately required for its purposes and the proceeds of all property that come to the

College subject to any trusts affecting them may be invested in such investments as the board considers proper.

**6.**—(1) The affairs of the College shall be managed by the College board.

managed by the board

(2) The board shall consist of,

Composition

- (a) the president of the College, ex officio;
- (b) three members to be elected by the Western Ontario Mennonite Conference:
- (c) three members to be elected by the Mennonite Conference of Ontario and Quebec;
- (d) three members to be elected by the United Mennonite Conference of Ontario;
- (e) one member appointed by and from the alumni association:
- (f) one member appointed by and from the faculty of the College:
- (g) one member appointed by and from the students of the College;
- (h) such other members, not exceeding four in number, as may be appointed by the board.

(3) If two or three of the organizations mentioned in clause Merger of (2) (b), (c) or (d) unite, the successor organization shall be entitled to elect six or nine members, respectively, to the board.

organizations

- (4) The board may by by-law increase the size of the board Idem to a maximum of twenty-two members with the appointment of the additional members to be determined by the by-law, but the students, faculty and staff shall not individually or collectively form a majority of the board.
- (5) Subject to subsection (6), members of the board, other Term of than the president, shall hold office for three years and shall be eligible for reappointment for one additional consecutive term.

(6) Members appointed under clause (2) (f) or (g) shall Idem hold office for one year and shall be eligible for reappointment for one additional consecutive term.

Staggered terms (7) The board may by by-law provide for the appointment and retirement in rotation of the first members of the board appointed under subsection (2) and may determine that one or more of the first members so appointed shall serve for an initial term of less than three years.

First members (8) The board, until reconstituted in accordance with subsection (2), shall consist of those persons who, immediately prior to the coming into force of this Act, were members of the board of the Charter Corporation.

New board

(9) The board shall be reconstituted in accordance with subsection (2) within twelve months of the coming into force of this Act.

Quorum

(10) The quorum for the transaction of business of the board may be designated by by-law of the board.

Citizenship or resident status 1976-77, c. 52 (Can.) (11) Members of the board shall be Canadian citizens or permanent residents within the meaning of the *Immigration Act*, 1976 (Canada).

Powers of board

- 7. Except as provided by any agreement of federation or affiliation with any university or college, the government, conduct, management and control of the College and of its property, revenues, expenditures, business and affairs are vested in the board and the board has all powers necessary or convenient to perform its duties and achieve the objectives and purposes of the College, including, without limiting the generality of the foregoing, the power.
  - (a) to enact by-laws for the conduct of its affairs;
  - (b) to appoint and remove the president and officers of the College;
  - (c) to establish and terminate programs and courses of study;
  - (d) to grant tenure, promotions and leave, and to suspend and remove the academic officers and members of the faculty;
  - (e) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College; and

- (f) to grant diplomas, certificates and undergraduate and graduate degrees in theology, including honorary degrees in theology.
- 8.—(1) Subject to subsections (2) and (3), meetings of the Meetings board shall be open to the public and prior notice of the meeting shall be given to the members of the board and to the public in such manner as the board by by-law determines and no person shall be excluded from a meeting except for improper conduct as determined by the board.

(2) Where matters confidential to the College are to be Exception considered, the part of the meeting concerning such matters may be held in camera.

(3) Where a matter of a personal nature concerning an indi- Idem vidual may be considered at a meeting, the part of the meeting concerning such individual shall be held in camera unless there is mutual agreement to the contrary by the board and the individual that such part of the meeting should be open to the public.

(4) The by-laws of the board shall be open to examination By-laws open by the public during normal office hours of the College.

to public

- (5) The board shall publish its by-laws from time to time in Publication of by-laws such manner as it may consider proper.
- 9.—(1) The board shall appoint one or more auditors Annual audit licensed under the Public Accountancy Act to audit the R.S.O. 1980, accounts and transactions of the board at least annually.
- (2) A copy of the audited annual statement shall be made Inspection of available for inspection by the public during the normal office statement hours of the College.
- 10. The College shall be carried on without the purpose of Non-profit gain for the members of the board and any profits or other accretions to the College shall be used in promoting its objects.

11. Upon the dissolution of the College and after the pay- Dissolution ment of all debts and liabilities, the remaining property of the College shall be distributed or disposed of equally to the Western Ontario Mennonite Conference, the Mennonite Conference of Ontario and Ouebec and the United Mennonite Conference of Ontario or their successors.

Commencement 12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the Conrad Grebel College Act, 1988.

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1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

# Bill Pr72

(Chapter Pr46 Statutes of Ontario, 1988)

### An Act to revive 329931 Ontario Limited

Mr. Black

Lande L. S. Kosier

LEGISLATIVE ASSEMBLY

1st Reading	June 15th, 1988
2nd Reading	June 29th, 1988
3rd Reading	June 29th, 1988
Royal Assent	June 29th, 1988

Chill FF 72

1988

#### An Act to revive 329931 Ontario Limited

Whereas Robert Murrell hereby represents that 329931 Preamble Ontario Limited, herein called the Corporation, was incorporated by letters patent dated the 2nd day of February, 1976; that the Minister of Consumer and Commercial Relations by order dated the 15th day of September, 1980 and made under the authority of subsection 251 (3) of The Business Corporations Act, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 15th day of September, 1980; that the applicant was the director and the holder of all the common shares of the Corporation at the time of its dissolution; that on-going business activities have been carried on in the name of the Corporation since the date of dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. 329931 Ontario Limited is hereby revived and is, subject Revival to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- 3. The short title of this Act is 329931 Ontario Limited Short title Act. 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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# Bill Pr73

(Chapter Pr57 Statutes of Ontario, 1988)

### An Act to revive George A. McNamara Memorial Foundation

Mr. Offer

CLERK LEGISLATIVE ASSEMBLY

1st Reading November 24th, 1988

2nd Reading December 15th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988



#### An Act to revive George A. McNamara Memorial Foundation

Whereas Paul McNamara, Jo-Anne Scott, Karen Cromer and Preamble Paul Blair McNamara, hereby represent that George A. McNamara Memorial Foundation, herein called the Corporation, was incorporated by letters patent dated the 18th day of July, 1956; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of The Corporations Act, being chapter 89 of the Revised Statutes of Ontario. 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of The Corporations Information Act, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that notice of the default was apparently sent to the Corporation at its address as shown on the files of the Ministry of Consumer and Commercial Relations: that the default occurred by reason of inadvertence; that Paul McNamara is the chairperson of the ongoing organization carried on in the name of the Corporation and all the applicants are directors thereof; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was operating a charitable foundation authorized by its letters patent and since that time the charitable functions of the Corporation have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

for special legislation reviving the Corporation; and whereas it

is expedient to grant the application;

1. George A. McNamara Memorial Foundation is hereby Revival revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as

of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the George A. McNamara Memorial Foundation Act, 1988.

1st SESSION, 34th LEGISLATURE, ONTARIO

38 ELIZABETH II, 1989

## Bill Pr74

(Chapter Pr7 Statutes of Ontario, 1989)

## An Act respecting the City of London

Mrs. Cunningham

CLERK LEGISLATIVE ASSEMBLY

1st Reading February 8th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



#### An Act respecting the City of London

Whereas The Corporation of the City of London, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

- 1. The council of the Corporation may pass by-laws,
- By-laws regulating persons who tow motor
- (a) for licensing, regulating, governing and classifying persons who carry on the business of towing motor vehicles, and for fixing the fees for such licences. and for revoking or suspending any such licence; and
- (b) for establishing or regulating the rates to be charged by any class or classes of persons in respect of the towing of any motor vehicle without the consent of the owner or operator from a parking lot or other parking facility to which the public by right or invitation has access, whether on payment of a fee or otherwise.
- 2. The council of the Corporation may pass by-laws,

By-laws regulating persons who store motor

- (a) for licensing, regulating, governing and classifying persons who carry on the business of storing motor vehicles, and for fixing the fees for such licences, and for revoking or suspending any such licence;
- (b) for establishing or regulating the rates to be charged by any class or classes of persons in respect of the care and storage of any motor vehicle towed without the consent of the owner or operator from a parking lot or other parking facility to which the public by right or invitation has access, whether on payment of a fee or otherwise; and

(c) for requiring that a location where a motor vehicle towed as described in clause (b) is stored shall remain open during the whole or any part of every day or any particular day of the year, as set out in the by-law, for the purpose of enabling the owner or operator of the vehicle to recover possession of the vehicle.

Offence

**3.** Every person who contravenes section 4 or a by-law passed under section 1 or 2, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000, and where a corporation is convicted of an offence, the maximum penalty that may be imposed on the corporation is \$5,000 and not as otherwise provided herein.

No lien for towing or storage

- **4.** No person who tows a motor vehicle without the consent of the owner or operator from a parking lot or other parking facility to which the public by right or invitation has access, whether on payment of a fee or otherwise, and no person who stores such vehicle shall be entitled to retain possession of the vehicle or to a lien for the costs and charges of the removal, towing, care or storage of the vehicle,
  - (a) unless immediately before being towed the vehicle was parked in the parking lot or parking facility for a continuous period of twenty-four hours or more;
  - (b) unless the vehicle is stored for a continuous period of seven days or more.

Hearing

5.—(1) Subject to subsection (2), before suspending or revoking a licence, the council of the Corporation shall afford the licence holder an opportunity to be heard.

Suspension without hearing

(2) The council of the Corporation may by by-law authorize an appointed officer identified in the by-law by name or position occupied to suspend any licence, without holding a hearing, for such time and subject to such conditions as the by-law may provide where the officer knows or has reason to believe that the health or safety of the public is in danger.

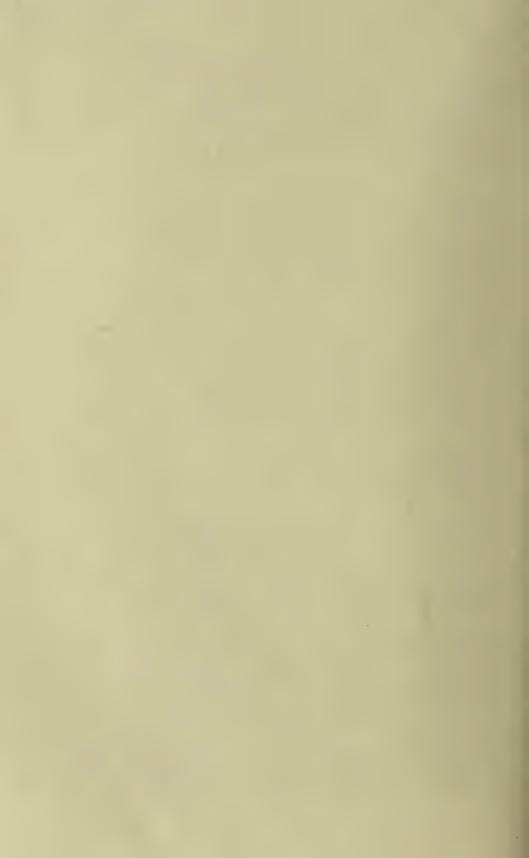
Limitation on suspension

(3) No suspension of a licence by an appointed officer is effective after the expiration of four weeks from the date of suspension or after the next meeting of the council of the Corporation, whichever occurs first.

- 6. This Act comes into force on the day it receives Royal Commence-Assent.
- 7. The short title of this Act is the City of London Act, Short title 1989.







1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1988

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# Bill Pr75

(Chapter Pr58 Statutes of Ontario, 1988)

An Act respecting the City of Sault Ste. Marie

Mr. Morin-Strom

CLERK
LEGISLATIVE ASSEMBLY

1st Reading December 6th, 1988

2nd Reading December 15th, 1988

3rd Reading December 15th, 1988

Royal Assent December 15th, 1988

1988

### An Act respecting the City of Sault Ste. Marie

Whereas The Corporation of the City of Sault Ste. Marie, Preamble herein called the municipal corporation, hereby represents that Cherokee Disposals & Construction Limited, a private Ontario corporation, owns and operates a sanitary landfill site in Sault Ste. Marie; that the municipal corporation wishes to acquire the assets or the shares of Cherokee Disposals & Construction Limited; that there are certain advantages to the shareholders of Cherokee Disposals & Construction Limited if the acquisition is by the transfer of shares; that the municipal corporation hereby applies for special legislation authorizing the purchase of the shares; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The municipal corporation may pass by-laws authorizing it to acquire all the issued and outstanding shares of Cherokee Disposals & Construction Limited.

Acquisition of shares of corporation by City

2. Any shares acquired by the municipal corporation pur- How shares suant to a by-law passed under section 1 shall be held in the name of The Corporation of the City of Sault Ste. Marie.

to be held

3. After acquiring the shares in Cherokee Disposals & Dissolution Construction Limited, the municipal corporation shall immediately begin proceedings to dissolve Cherokee Disposals & Construction Limited in accordance with the Business Cor- 1982, c. 4 porations Act, 1982 and shall conclude those proceedings as soon as possible.

corporation

4. This Act comes into force on the day it receives Royal Commence-Assent.

5. The short title of this Act is the City of Sault Ste. Marie Short title Act, 1988.



1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

# Bill Pr76

(Chapter Pr8 Statutes of Ontario, 1989)

### An Act to revive John Zivanovic Holdings Limited

Mr. Offer

CLERK LEGISLATIVE ASSEMBLY

1st Reading January 31st, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



1989

#### An Act to revive John Zivanovic Holdings Limited

Whereas Janko Zivanovic hereby represents that John Preamble Zivanovic Holdings Limited, herein called the Corporation, was incorporated by articles of incorporation dated the 6th day of October, 1977; that the certificate of incorporation of the Corporation was cancelled for default in complying with the Corporations Tax Act, and the Corporation declared to be R.S.O. 1980, dissolved on the 10th day of May, 1982; that the applicant was the sole director and holder of all the common shares of the Corporation at the time of its dissolution; that the request to rectify the default in complying with the Corporations Tax Act, although sent to the applicant as director, was not received by him until after he received the order cancelling the certificate of incorporation; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. John Zivanovic Holdings Limited is hereby revived and Revival is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-Assent.

3. The short title of this Act is the John Zivanovic Hold- Short title ings Limited Act, 1989.

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1st SESSION, 34th LEGISLATURE, ONTARIO

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37 ELIZABETH II, 1989

# Bill Pr78

(Chapter Pr12 Statutes of Ontario, 1989)

### An Act respecting the County of Lanark

Mr. Wiseman

LEGISLATIVE ASSEMBLY

1st Reading January 23rd, 1989

2nd Reading March 2nd, 1989

3rd Reading March 2nd, 1989

Royal Assent March 2nd, 1989



1989

#### An Act respecting the County of Lanark

Whereas The Corporation of the County of Lanark hereby Preamble applies for special legislation to enable it to provide facilities to certain local municipalities for the management and disposal of waste, to assume the responsibility for the collection and removal of waste from a local municipality with the agreement of that local municipality, to establish and operate programs in conjunction with certain municipalities for the reduction, recovery, recycling, re-use and composting of waste and to establish facilities for the conversion of waste; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act,

Definitions

"commercial motor vehicle" means a motor vehicle having permanently attached thereto a truck or delivery body;

"County" means The Corporation of the County of Lanark;

"county council" means the council of the County;

"county officer" means one or more persons designated by by-law under subsection 12 (1);

"county waste management system" means a waste management system established under this Act;

"liquid industrial waste or hazardous waste" means hauled liquid industrial waste or hazardous waste as defined in the Environmental Protection Act:

R.S.O. 1980,

"local municipality" means a village, town or township;

"municipality" means a municipality as defined in the Munici- R.S.O. 1980, pal Affairs Act, and a metropolitan, regional or district municipality, and the County of Oxford or a local board of

a metropolitan, regional or district municipality or of the County of Oxford;

"subscribing municipality" means,

- (a) the townships of Bathurst, Beckwith, Darling, Drummond, Montague, North Burgess, North Elmsley, Pakenham, Ramsay, South Elmsley and South Sherbrooke,
- (b) the towns of Almonte, Carleton Place, Perth and Smiths Falls,
- (c) the Village of Lanark, and
- (d) any local municipality that passes a by-law under subsection 2 (7);
- "waste" means ashes, garbage, refuse, domestic waste, industrial solid waste and such similar waste as may be designated by by-law of the County;

R.S.O. 1980, c. 141

- "waste disposal facility" means a site and the facilities constructed thereon for the disposal or management of waste that are subject to approval under the *Environmental Protection Act* and includes a landfill site, composting site and incinerator;
- "waste management service area" means the geographical area comprising the subscribing municipalities;
- "waste management system" means facilities, equipment and operations for the management and disposal of waste and includes the handling, transportation, storage, processing, disposal and treatment of waste, but does not include the collection of waste and the transportation of such waste by a subscribing municipality, except by agreement between the County and a subscribing municipality.

County waste management system

2.—(1) The county council shall by by-law establish a waste management system for the waste management service area.

Transition

(2) Despite subsection (1), the subscribing municipalities shall continue to provide waste disposal facilities until the county council passes a by-law stating that the County has established and is ready to operate and manage a waste management system for the waste management service area.

(3) When a by-law is passed under subsection (2), no per- Exclusive son or municipality shall establish a waste disposal facility in operation the waste management service area without the consent of the county council, which consent may be given upon such terms, including the payment of compensation, as may be agreed upon.

(4) If the county council refuses its consent under subsection (3) or the applicant and the county council fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter, and may impose such terms and conditions as the Municipal Board considers appropriate and the decision of the Municipal Board is final.

Appeal to O.M.B.

(5) Despite subsection (3), a subscribing municipality that Exception is operating a waste disposal facility on the day this Act comes into force may continue to operate the facility after a by-law is passed under subsection (2) until the earlier of the date of the closure of the facility or the date that the subscribing municipality requests the use of the county waste management system.

(6) The County is not responsible for providing waste man- Idem agement services to a subscribing municipality that continues to operate a waste disposal facility under subsection (5) but may charge the subscribing municipality a rate or levy under section 8.

(7) Nothing in this Act affects any contract for the disposal Existing of waste that exists on the day this Act comes into force between any person or municipality and a subscribing municipality but the County and the subscribing municipality may enter into an agreement whereby the County assumes all or part of the benefits and liabilities created by such contract in respect of the disposal of waste.

(8) A local municipality in the County of Lanark that is not New a subscribing municipality may by by-law and with the consent municipalities of the county council and upon such terms, including the payment of compensation, as may be agreed upon, become a subscribing municipality.

(9) If the county council refuses its consent under subsec- Disagreement tion (8) or the local municipality and the county council fail to O.M.B. agree on terms for the consent, the local municipality may refer the matter to the Ontario Municipal Board and the decision of the Municipal Board is final.

(10) Before passing a by-law under subsection (2),

Agreements

- (a) the County shall enter into an agreement with The Corporation of the Town of Smiths Falls, whereby the County agrees to include the Town of Smiths Falls within its waste management system on such terms, including the payment of compensation, as may be agreed upon; and
- (b) the County shall enter into an agreement with The Corporation of the Township of South Elmsley, whereby the County agrees to include the Township of South Elmsley within its waste management system on such terms, including the payment of compensation, as may be agreed upon.

O.M.B. to settle agreement

(11) If the County and The Corporation of the Town of Smiths Falls or the County and The Corporation of the Township of South Elmsley are not able to enter into the agreement referred to in subsection (10), the County or The Corporation of the Town of Smiths Falls or The Corporation of the Township of South Elmsley may refer the matter to the Municipal Board.

Determination by O.M.B.

(12) The Municipal Board shall settle the provisions of the agreement referred to it and the parties shall be bound by the agreement, as of the date the by-law is passed under subsection (2), whether the agreement is signed by them or not.

Effect of referral to O.M.B.

- (13) Despite subsection (10), the county council may pass a by-law under subsection (2), if,
  - (a) the matter of the agreement between the County and The Corporation of the Town of Smiths Falls has been referred to the Municipal Board under subsection (11) and The Corporation of the Township of South Elmsley has entered into an agreement under clause (10) (b);
  - (b) the matter of the agreement between the County and The Corporation of the Township of South Elmsley has been referred to the Municipal Board under subsection (11) and The Corporation of the Town of Smiths Falls has entered into an agreement under clause (10) (a); or
  - (c) the matter of the agreement between the County and The Corporation of the Town of Smiths Falls and the matter of the agreement between the County and The Corporation of the Township of South Elmsley have both been referred to the Municipal Board under subsection (11).

3.—(1) The county council may pass by-laws to assume as Transfer of a part of the county waste management system any solid waste disposal facilities, works and equipment vested in a subscribing municipality, and the facilities, works and equipment specified therein shall vest in the County on the date set out in the by-law.

(2) The County shall pay to a subscribing municipality on Liabilities or before the due date, all amounts of principal and interest County becoming due upon any outstanding debt of the subscribing municipality in respect of the property vested in the County under subsection (1).

(3) If the County fails to make any payment required by Failure to subsection (2) on or before the due date, the subscribing municipality affected may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the subscribing municipality determines, from the due date until payment is made.

(4) If there is disagreement between the County and a sub- Disagreement scribing municipality as to whether an outstanding debt or O.M.B. portion thereof was incurred in respect of property vested in the County under subsection (1), the County or the local municipality may refer the matter to the Municipal Board and the decision of the Municipal Board is final.

(5) Unless the County and a subscribing municipality agree Subscribing otherwise, if the County passes a by-law under subsection (1) or enters into an agreement under subsection 2 (7), the sub-provide scribing municipality affected shall not be required to provide facilities for the disposal of waste from the date that the vesting takes place or from the date agreed upon, and the County shall be deemed to have assumed such responsibility from that date.

municipality

(6) When a by-law is passed under section 2, the county Establish council shall establish a reserve fund in regard to a discharge ment of reserve fund of a contaminant to the environment from a waste disposal facility of a subscribing municipality which may occur after the facility has ceased operation and has closed.

(7) The county council shall deposit in the reserve fund Funding the \$1.00 for each tonne of waste received at its waste disposal facilities or such greater amount per tonne as the county council may determine until the fund is equal to \$1,000,000.00 or such greater amount as the county council may determine.

Alternative methods of funding (8) The county council may contribute to the reserve fund such additional amounts and through such means as it, in its sole discretion, decides.

Investments and income

- R.S.O. 1980, c. 512
- (9) The money deposited in the reserve fund shall be paid into a special account and may be invested in such securities as a trustee may invest under the *Trustee Act*, and the earnings derived from the investment form part of the reserve fund.

Application to fund

(10) Upon the application of a subscribing municipality, the county council shall reimburse the subscribing municipality from the reserve fund in respect of money paid by the subscribing municipality attributable to any discharge of a contaminant to the environment from a waste disposal facility of the subscribing municipality which occurs after the facility has ceased to be used by such municipality and has been closed.

Disagreement referred to O.M.B.

(11) If there is a disagreement between the County and a subscribing municipality as to whether the amount sought to be collected from the reserve fund is properly attributable to a discharge of a contaminant to the environment from a waste disposal facility of a subscribing municipality, the County or the subscribing municipality may refer the matter to the Ontario Municipal Board and the decision of the Municipal Board is final.

Restriction on County obligation

(12) The obligation of the county council to a subscribing municipality under subsection (10) is restricted to the amount of moneys in the reserve fund at the date of the application made under subsection (10).

Maintaining the fund

(13) If a payment is made by county council under subsection (10) before the reserve fund contains at least \$1,000,000.00, the obligation of the county council under subsection (7) continues.

Idem

(14) If a payment is made by county council under subsection (10) after the reserve fund contains at least \$1,000,000.00 and the payment results in the reserve fund containing less than \$1,000,000.00, the county council shall re-establish the reserve fund at \$1,000,000.00 by depositing in the fund moneys at the rate of \$1.00 per tonne of waste received at its waste disposal facilities or such greater amount per tonne as the county council may determine.

General powers of County

- **4.**—(1) For the purposes of establishing a waste management system, the County may,
  - (a) acquire and use land;

- (b) erect, maintain and operate waste disposal facilities;
- (c) prohibit or regulate the dumping, treating and disposing of waste, or any class thereof, upon such land and facilities:
- (d) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, a municipality or local board thereof; and
- (e) provide standards and regulations for commercial motor vehicles, or any class thereof, used for the haulage of waste to a waste disposal facility.
- (2) For the purposes of this Act, paragraph 84 of section Application 210 of the Municipal Act applies, with necessary modifications, to the County.

R.S.O. 1980,

5.—(1) The County may establish and operate programs for the reduction, recovery, recycling, re-use and composting of waste and resource recovery and may enter into agreements with one or more subscribing municipalities to provide for the joint management and operation of the programs upon such terms, including the payment of compensation, as may be agreed upon.

Recycling

(2) An agreement under subsection (1) may provide that Agreements the County is responsible for the collection and marketing of waste separated by the public at source for recycling or re-use.

6.—(1) The County may erect, maintain and operate Conversion buildings, structures, machinery or equipment for the recovery, manufacture, production, supply, sale or distribution from domestic or industrial sewage or waste any product, resource, commodity, electrical power or energy, hot water or steam, and for such purposes may,

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or any other land; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980, c. 309 does not apply (2) The *Municipal Franchises Act* does not apply to any act of the County under subsection (1).

Issue of debentures

7.—(1) The county council may by by-law authorize the issue of debentures to raise funds for the purposes of this Act without the assent of the electors.

O.M.B. approval (2) A by-law passed under subsection (1) does not come into effect until approved by the Municipal Board.

Costs recovered from subscribing municipality

**8.**—(1) The county council may by by-law provide for imposing on and collecting from a subscribing municipality a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the County's costs, including debenture charges and expenditures, of the establishment, maintenance and operation of the county waste management system and any programs established under section 5 or 6 and such rate may be based on the volume, weight or class of waste received from the subscribing municipality or on any other basis that the by-law may specify.

Levy or rate on users (2) The county council may by by-law impose a levy or rate on subscribing municipalities or persons using the county waste management system to raise any funds required by the County for the purposes of this Act.

Costs in advance of system

(3) The levies and rates described in subsections (1) and (2) imposed on subscribing municipalities may be imposed before the establishment of the county waste management system if they are intended to raise funds to establish the county waste management system.

Debt

(4) All rates or levies imposed under subsection (1) or (2) on a subscribing municipality constitute a debt of the subscribing municipality to the County and shall be payable at such times and in such amounts as may be set out in the by-law.

Rates for non-participating subscribing municipalities (5) Despite subsections (1), (2) and (3), a subscribing municipality that is operating a waste disposal facility pursuant to subsection 2 (5) shall be charged or levied only for the capital and other costs incurred by the County in the establishment of the county waste management system until the subscribing municipality's waste disposal facility is closed or the subscribing municipality requests the use of the county waste management system, whichever is earlier.

Payment by subscribing municipality

- (6) A subscribing municipality,
  - (a) may pay the whole or part of the amount charged to it under this section out of its general funds; and

is final.

(b) may pass by-laws under paragraphs 85 and 86 of section 210 of the Municipal Act for imposing rates R.S.O. 1980, to recover the whole or part of the amount charged to it.

**9.**—(1) The county council may by by-law prescribe one or Routes more routes on local roads with the consent of the subscribing municipality or local municipality affected and on county roads to be used by commercial motor vehicles, or any class or classes thereof, in hauling waste to any waste disposal facility located in the County.

- (2) A by-law passed under subsection (1) may provide dif- Restrictions ferent restrictions on the use of different roads or routes.
- (3) A consent under subsection (1) may be given upon such Terms of terms, including the payment of compensation, as the County

(4) If a local municipality or subscribing municipality Disagreement refuses its consent under subsection (1) or the County and the O.M.B. local municipality or subscribing municipality fail to agree on the terms for the consent, the County may refer the matter to the Municipal Board and the decision of the Municipal Board

and the subscribing municipality or local municipality agree

10.—(1) No subscribing municipality shall exercise the Land use for powers granted under clause (a) of paragraph 129 of section 210 of the Municipal Act.

by-laws R.S.O. 1980,

(2) The County may exercise the powers granted under Idem clause (a) of paragraph 129 of section 210 of the Municipal Act in regard to waste.

11.—(1) With the consent of a subscribing municipality, which consent may be given upon such terms, including the of waste in payment of compensation, as may be agreed upon, the county subscribing council may pass by-laws to assume the responsibility for the collection and removal of waste for that subscribing municipality or for one or more defined areas therein.

Collection and removal municipality

(2) A by-law passed under subsection (1) shall not be repealed without the consent of the affected subscribing municipality, which consent may be given upon such terms, including the payment of compensation, as may be agreed

Consent required for repeal of County

(3) On and after the day a by-law is passed under subsection (1),

responsible for collection of waste

- (a) the County shall be responsible for the collection and removal of waste in the subscribing municipality or defined areas therein to which the by-law applies;
- (b) the County has all the powers conferred by any general or special Act upon the subscribing municipality or local board thereof for the collection and removal of waste;
- (c) no subscribing municipality shall collect or remove waste in the subscribing municipality or defined areas therein to which the by-law applies without the consent of the County, which consent may be given upon such terms, including the payment of compensation, as may be agreed upon;
- (d) all rights and obligations and all personal property of the subscribing municipality pertaining to or exclusively used for the collection and removal of waste in the subscribing municipality or defined areas therein to which the by-law applies are vested in the County;
- (e) subsections 3 (3) and (4) apply with necessary modifications to outstanding debts in respect of the property vested in the County under clause (d); and
- (f) where, before the passing of the by-law, the subscribing municipality had entered into an agreement for another municipality or person to collect and remove waste in the subscribing municipality or defined area therein to which the by-law applies, the County shall be bound by the agreement, and the subscribing municipality is relieved of all liability under the agreement.

Costs recovered from subscribing municipality (4) The county council may by by-law provide for imposing on and collecting from a subscribing municipality in which or in defined areas of which it collects and removes waste, a waste collection rate sufficient to pay the whole or such portion as the by-law may specify of the County costs, including debenture charges, and expenditures for the establishment, maintenance and operation of the waste collection and removal system in the subscribing municipality and such rate may be based on the volume, weight or class of waste collected and removed or on any other basis set out in the by-law.

- (5) All rates under subsection (4) constitute a debt of the Debt subscribing municipality to the County and shall be payable at such times and in such amounts as may be set out in the by-law.
  - (6) A subscribing municipality,

Payment by subscribing municipality

- (a) may pay the whole or part of the amount charged to it under this section out of its general funds; and
- (b) may pass by-laws under paragraphs 85 and 86 of section 210 of the Municipal Act for imposing rates R.S.O. 1980, to recover the whole or part of the amount charged to it.

12.—(1) The county council may by by-law designate one County or more persons as county officers for the purposes of this Act.

(2) In a by-law passed under subsection (1), the county Limitation council may limit the duties or authority, or both, of a county officer in such manner as the county council considers appropriate.

13.—(1) Where under the Planning Act, 1983, the Munici-Powers the Environmental Assessment Act, Environmental Protection Act, the Ontario Water Resources Act, the Expropriations Act, or any other provincial statute, it is necessary to satisfy any requirement of those Acts or to obtain any approval relating to the establishment, operation and management of a waste management system or any part thereof, a county officer may exercise the powers in subsection (2) for the purpose of satisfying that requirement or obtaining that approval.

R.S.O. 1980, cc. 302, 140,

- (2) For the purposes set out in subsection (1), a county offi- Idem cer, with the consent of the registered owner and occupier or pursuant to an order made under section 14,
  - (a) may enter any place at any reasonable time;
  - (b) may conduct surveys, examinations, investigations, tests and inquiries be conducted;
  - (c) may require that surveys, examinations, investigations, tests and inquiries be conducted;
  - (d) may make, take and remove any samples or extracts;

- (e) may require the making or taking of any samples or extracts; and
- (f) may record or copy information by any method.

Proof of identity

(3) When carrying out his or her duties under this Act, a county officer shall provide identification and authorization upon request.

Order authorizing entry 14.—(1) Upon application by the County to a judge of the District Court, the judge may make an order authorizing the county officer named in the order to enter the land specified in the order, where there is reasonable ground to believe that the land may be suitable for a waste management system or any part thereof and it is necessary to gain entry to the land for the purposes set out in subsection 13 (1) and the county officer has been denied entry on to the land or has been prevented from exercising his or her powers under this Act.

Contents of order

- (2) The order may,
  - (a) authorize the county officer to do anything set out in section 13 and specified in the order;
  - (b) authorize the county officer to use force in carrying out the order as is reasonable in the circumstances; and
  - (c) impose other terms, including the payment of compensation, as are just.

Execution of order

(3) The order shall specify the hours and days during which it may be exercised and the date on which it expires.

Commencement **15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** The short title of this Act is the County of Lanark Act, 1989.





1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

# Bill Pr79

(Chapter Pr9 Statutes of Ontario, 1989)

## An Act respecting the Town of Markham

Mr. Cousens

CLERK
LEGISLATIVE ASSEMBLY

1st Reading January 30th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill Pr79

1989

#### An Act respecting the Town of Markham

Whereas The Corporation of the Town of Markham, herein Preamble called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "credited service" and "pensionable earn- Definitions ings" have the same meaning as in Regulation 724 of Revised Regulations of Ontario, 1980 made under the Ontario Munici- R.S.O. 1980, pal Employees Retirement System Act.

**2.**—(1) The council of the Corporation may pass by-laws for providing pensions for members of the council and their surviving spouses and children in respect of both current and prior service on council in an amount not exceeding 1.5 per cent of pensionable earnings multiplied by the total number of years and part of a year of credited service up to a maximum of 70 per cent of pensionable earnings when combined with any pension payable under the Ontario Municipal Employees Retirement System Act.

respecting

(2) A by-law passed under subsection (1) may provide that Prior Service a member of council shall contribute up to 50 per cent of any payments required in respect of benefits for prior service on council and that such payments may be on a deferred basis.

(3) A by-law passed under subsection (1) may be amended to vary the amounts of the pensions under that subsection or the payments required by subsection (2).

Amendments to by-law

(4) No by-law under subsection (1) and no by-law amending such a by-law shall be passed except on an affirmative vote of at least two-thirds of the council present and voting thereon.

Two-thirds vote required Administration

3.—(1) The Corporation and the Ontario Municipal Employees Retirement Board may enter into agreements to administer pensions provided under this Act.

Idem

(2) The Corporation may enter into agreements to administer pensions provided under this Act and such agreement may authorize the Corporation to enter an agreement under subsection (1).

Deductions

**4.** The Corporation shall deduct by installments from the remuneration of a member of council the amount that the member is required to pay under the terms of a pension plan established under this Act.

Non-application of R.S.O. 1980, c. 347, ss. 64, 65

**5.** Sections 64 and 65 of the *Ontario Municipal Board Act* do not apply so as to require Ontario Municipal Board approval with respect to pensions provided under this Act.

Transition

**6.** A pension may be provided under this Act to a person who was a member of council on the 30th day of November, 1988, even though the person is not a member of council on the day the by-law establishing the pension plan is passed and the pension may be paid retroactive to the 1st day of December, 1988.

Commencement 7. This Act comes into force on the day it receives Royal Assent.

Short title

**8.** The short title of this Act is the *Town of Markham Act*, 1989.

1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

Bill Pr80

(Chapter Pr10 Statutes of Ontario, 1989)

### An Act respecting Strathroy Middlesex General Hospital

Mr. Reycraft

CLERK
LEGISLATIVE ASSEMBLY

1st Reading January 9th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



#### An Act respecting Strathroy Middlesex General Hospital

Whereas Strathroy Middlesex General Hospital hereby repre- Preamble sents that it was continued as a hospital corporation under The Strathroy Middlesex General Hospital Act, 1966, being chapter 182; and that it is desirable to revise that Act to provide for changes in the membership of the Board of Governors, and the terms of service of the Board; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Definitions

"Board" means The Board of Governors of the Strathroy Middlesex General Hospital;

"Corporation" means the Strathroy Middlesex General Hospital as continued under section 2;

"hospital" means the hospital known as Strathroy Middlesex General Hospital.

2. Strathroy Middlesex General Hospital is continued as a Hospital corporation without share capital and shall be composed of continued those persons who comprise its Board.

3.—(1) The affairs of the Corporation shall be managed by Board of a Board of Governors.

Governors

(2) The Board shall be composed of,

Composition of Board

(a) a minimum of twelve and a maximum of twenty governors, including ex officio governors, as determined by by-law of the Board; and

R.S.O. 1980, c. 410 (b) such persons as are provided for under the *Public Hospitals Act*.

Quorum

(3) A majority of governors constitutes a quorum of the Board.

By-laws respecting operation of Board

- (4) Subject to the *Public Hospitals Act*, the Board may by by-law,
  - (a) establish the term of office of the governors;
  - (b) determine the manner in which vacancies on the Board are to be filled;
  - (c) limit the number of terms or consecutive terms that a governor may serve on the Board;
  - (d) determine the procedures for the calling and holding of meetings of the Board;
  - (e) provide for the qualifications of governors; and
  - (f) determine such other matters that are necessary for the operation of the Board.

Transition

(5) Every governor in office immediately before the coming into force of this Act shall continue to hold office until his or her term of office expires.

**Powers** 

- 4. Subject to the Public Hospitals Act, the Board may,
  - (a) operate, maintain and manage the hospital;
  - (b) acquire such real and personal property as is necessary for the operation of the hospital;
  - (c) borrow money on the credit of the Corporation;
  - (d) subject to the limitation by any specific trust, invest in such securities as are authorized for investments by trustees under the *Trustee Act*;

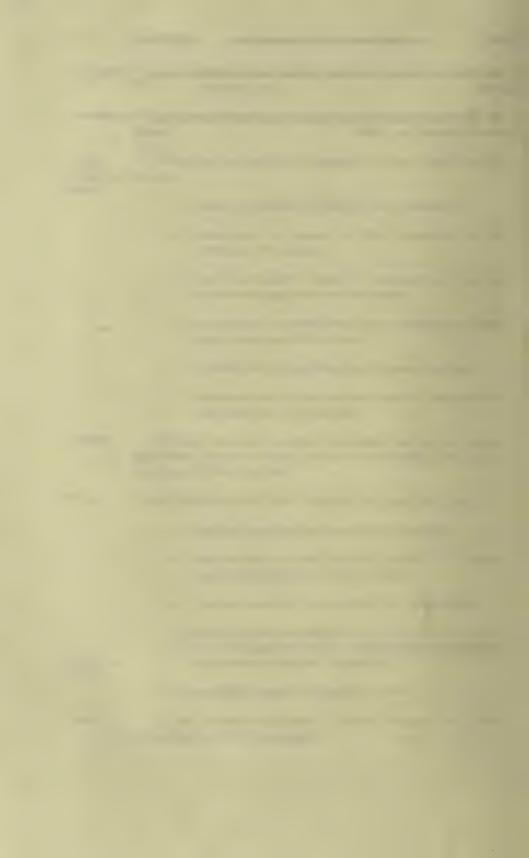
R.S.O. 1980, c. 512

(e) establish charges for hospital services.

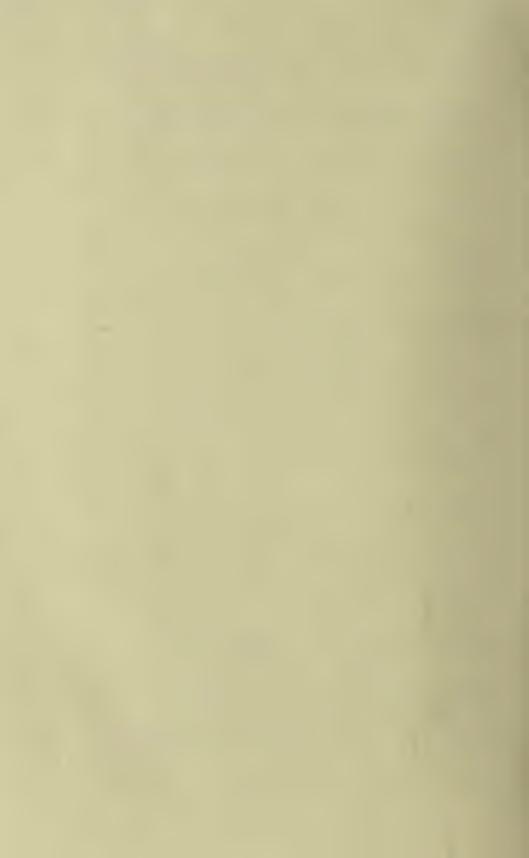
Repeal

5. The Strathroy Middlesex General Hospital Act, 1966, being chapter 182, is repealed.

- 6. This Act comes into force on the day it receives Royal Commencement Assent.
- 7. The short title of this Act is the Strathroy Middlesex Short title General Hospital Act, 1989.







1st SESSION, 34th LEGISLATURE, ONTARIO

37 ELIZABETH II, 1989

# Bill Pr81

(Chapter Pr11 Statutes of Ontario, 1989)

# An Act respecting The Windsor Light Opera Association

Mr. Cooke (Windsor-Riverside)

LEGISLATIVE ASSEMBLY

1st Reading January 11th, 1989

2nd Reading February 23rd, 1989

3rd Reading February 23rd, 1989

Royal Assent February 27th, 1989



Bill Pr81

1989

#### An Act respecting The Windsor Light Opera Association

Whereas The Windsor Light Opera Association, herein called Preamble the Association, hereby represents that it was incorporated by letters patent dated the 18th day of September, 1961; that the Association is a registered charitable organization within the meaning of the Income Tax Act (Canada); that on the 29th R.S.C. 1952, day of May, 1987, the Association acquired a freehold interest in lands located in the City of Windsor and known municipally as 2487 and 2491 Joseph St. Louis Avenue; that the lands are used as a centre for theatre arts for public workshops, performances and other presentations, rehearsals, storage and the creation of scenery and costumes; and whereas the Association hereby applies for special legislation to exempt the aforesaid real property occupied and used by it in the City of Windsor from taxation for municipal and school purposes, other than local improvement rates; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Tax Windsor may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land as defined in the Assessment Act, occupied by the Associ- R.S.O. 1980, ation, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Association.

exemption

- (2) An exemption granted under subsection (1) may be Conditions subject to such conditions as may be set out in the by-law.
- 2. A by-law passed under section 1 may be retroactive to Retroactive the 1st day of January, 1988.
- 3. This Act comes into force on the day it receives Royal Commence-Assent.

Short title

4. The short title of this Act is the Windsor Light Opera Association Act, 1989.

#### **SCHEDULE**

Those lands and premises located in the City of Windsor in the County of Essex and being composed of part of lots 60 and 61 according to a plan registered in the Land Registry Office for the Registry Division of Essex No. 12 as Number 867, more particularly described as follows:

Bearings herein are referred to the western limit of Registered Plan 867 shown as having a bearing of north 23° 51′ 19" west thereon;

COMMENCING at an iron bar found planted in the eastern limit of said Lot 61 distant 60 feet measured southerly therealong from the north-eastern corner thereof;

THENCE south 23° 39′ 24" east and following the eastern limit of said Lot 61 and said Lot 60, 179.80 feet, more or less, to an iron bar found planted at the southeastern corner of said Lot 60;

THENCE south 66° 13′ 45″ west and following the southern limit of said Lot 60, 177.33 feet, be the same more or less, to an iron bar found planted in the line between the eastern one-half and the western one-half of said Lot 60;

THENCE north 23° 54′ 10″ west and following the last mentioned limit to and along the line between the east one-half and the west one-half of said Lot 61, 180.00 feet to a found iron bar;

THENCE north 66° 17' 35" east, 178.10 feet to the point of commencement.

